

Bill No. SB 958

Barcode 324446

582-2032D-07

Proposed Committee Substitute by the Committee on Ethics and Elections

1 A bill to be entitled

2 An act relating to elections; amending s.

3 97.021, F.S.; redefining the term "minor

4 political party"; amending s. 97.053, F.S.;

5 requiring an applicant for voter registration

6 to be notified when the application cannot be

7 verified; providing for registration upon

8 presentation of evidence of a driver's license

9 number, identification card number, or the last

10 four digits of the applicant's social security

11 number; changing the time within which a person

12 casting a provisional ballot may present

13 evidence of eligibility to vote; changing the

14 time for voter registrations to be entered into

15 the statewide voter registration system;

16 creating s. 98.056, F.S.; prescribing

17 registration list maintenance forms; amending

18 s. 98.065, F.S.; revising duties of supervisors

19 of elections with respect to registration list

20 maintenance programs; amending s. 98.075, F.S.;

21 providing circumstances for removal of the name

22 of a deceased voter; amending s. 99.021, F.S.;

23 prescribing form of oath for candidates for

24 federal office; amending s. 99.061, F.S.;

25 prescribing times for qualifying for nomination

26 or election; prescribing specific procedures

27 for qualifying for special district office;

28 providing that the filing fee of a candidate

29 for a special district election need not be

30 drawn on a campaign account; amending s.

31 99.093, F.S.; providing for assessments paid by

582-2032D-07

1 municipal candidates to be forwarded to the
2 Florida Elections Commission; amending s.
3 99.095, F.S.; prescribing the number of
4 signatures required for a candidate for special
5 district office to qualify by petition;
6 prescribing the time for certification to the
7 Division of Elections of certain candidates
8 qualifying by petition; amending s. 99.097,
9 F.S.; prescribing procedure if a petition
10 signatory lists an address other than the
11 address at which he or she is registered;
12 amending s. 100.041, F.S.; prescribing the time
13 when a county commissioner is deemed elected;
14 amending s. 100.061, F.S.; changing the date of
15 the primary election; amending s. 100.191,
16 F.S.; revising the time for canvassing special
17 election returns; amending s. 100.361, F.S.;
18 prescribing procedures for conducting municipal
19 recall elections; providing for petitions;
20 prescribing grounds for recall; providing for
21 filling vacancies; proscribing certain acts
22 with respect to recall elections and providing
23 penalties; amending s. 100.371, F.S.; changing
24 the period for which certain initiative
25 petition signatures are valid; amending s.
26 101.041, F.S.; revising provisions that require
27 secret voting; amending s. 101.048, F.S.;
28 changing the time within which a person casting
29 a provisional ballot may present evidence of
30 eligibility to vote; amending s. 101.111, F.S.;
31 requiring the supervisor of elections to

582-2032D-07

1 present the election board with a copy of the
2 challenge to a voter's right to vote; amending
3 s. 101.51, F.S.; deleting provisions relating
4 to announcing the name of a voter; amending s.
5 101.6103, F.S.; changing the time to begin
6 canvassing mail ballots; amending s. 101.62,
7 F.S.; revising the period of effectiveness of a
8 request for an absentee ballot; revising the
9 time for sending an absentee ballot to an
10 overseas elector; revising time period for
11 providing absentee ballots; amending s. 101.68,
12 F.S.; changing the time to begin canvassing
13 absentee ballots; amending s. 101.733, F.S.;
14 revising provisions relating to giving notice
15 of an election rescheduled due to emergency;
16 authorizing the holding of an election by mail;
17 amending s. 102.014, F.S.; revising provisions
18 relating to poll worker recruitment and
19 training; amending s. 102.112, F.S.; changing
20 the deadline for submitting county returns to
21 the Department of State; amending s. 102.141,
22 F.S.; requiring submission of preliminary
23 returns in certain format by election night to
24 the Department of State; changing the time to
25 submit unofficial returns; amending s. 102.166,
26 F.S.; conforming a cross-reference; amending s.
27 103.022, F.S.; revising the time for
28 qualification as write-in candidates for
29 President and Vice President; creating s.
30 103.085, F.S.; prescribing guidelines for
31 creation of minor political parties; requiring

582-2032D-07

1 certain information to be filed; authorizing
2 rules to prescribe the manner in which such
3 party's registration may be canceled; amending
4 s. 103.091, F.S.; changing the times for
5 qualifying for election to a political party
6 executive committee; amending s. 105.031, F.S.;

7 changing the times for qualifying for school
8 board candidates; amending s. 106.07, F.S.;

9 changing the times for submitting reports of
10 contributions received and expenditures made;
11 amending s. 106.35, F.S.; revising the time for
12 the Division of Elections to distribute funds
13 to candidates; amending s. 112.51, F.S.;

14 providing for filling vacancies created when a
15 municipal officer has been removed from office;
16 amending s. 189.405, F.S.; revising
17 qualification procedures for candidates for
18 special district office; amending s. 191.005,
19 F.S.; revising qualification procedures for
20 candidates for independent special fire control
21 district boards of commissioners; amending s.
22 582.18, F.S.; revising qualification procedures
23 for candidates for soil and water conservation
24 district supervisors; amending s. 876.05, F.S.;

25 exempting candidates for federal office from
26 taking the public employees' oath; repealing s.
27 104.29, F.S., relating to inspectors refusing
28 to allow watchers while ballots are counted;
29 amending s. 97.021, F.S.; redefining the term
30 "primary election" to provide that the first
31 primary is a nomination or elimination election

582-2032D-07

1 and the second primary is a nominating
2 election; amending s. 97.055, F.S.; providing
3 that a party change received after the
4 book-closing date of the first primary election
5 does not take effect until after the second
6 primary election; amending s. 97.071, F.S.;
7 providing for the voter information card in
8 such case to be issued after the second primary
9 election; amending s. 97.1031, F.S., relating
10 to changes in the records of an elector;
11 conforming provisions to changes made by the
12 act; amending s. 98.081, F.S.; prohibiting a
13 person who removed his or her name from the
14 registration books after the book-closing date
15 of the first primary from changing political
16 parties until after the date of the second
17 primary election; amending s. 99.061, F.S.,
18 relating to requirements for qualifying for
19 nomination or election to office; conforming
20 provisions to the creation of first and second
21 primary elections; amending s. 99.063, F.S.;
22 providing for the Governor to designate a
23 running mate following the second primary
24 election; amending s. 99.103, F.S.; requiring
25 certain filing fees and party assessments to be
26 remitted before the first primary election;
27 amending s. 100.061, F.S.; providing for
28 holding a first primary election; requiring a
29 second primary election if a candidate does not
30 receive a majority of the votes cast in the
31 first primary election; amending s. 100.081,

582-2032D-07

1 F.S.; providing for the conduct of primary
2 elections; creating s. 100.92, F.S.; providing
3 procedures for holding a second primary
4 election; creating s. 100.097, F.S.; providing
5 procedures for holding a special election at a
6 second primary election; amending s. 100.111,
7 F.S.; providing for filling a vacancy in office
8 with respect to first and second primary
9 elections; amending s. 100.141, F.S., relating
10 to notice of special elections; conforming
11 provisions; amending s. 101.252, F.S.;

12 providing for printing the names of certain
13 candidates on the first primary election
14 ballot; amending s. 101.62, F.S.; providing
15 requirements for the supervisors of elections
16 with respect to mailing advance absentee
17 ballots for the first and second primary
18 elections; amending s. 102.014, F.S.; providing
19 for the first and second primary elections to
20 be considered one election for purposes of poll
21 worker recruitment and training; amending s.
22 103.021, F.S., relating to the nomination for
23 presidential electors; conforming provisions;
24 amending s. 103.022, F.S.; requiring that
25 write-in candidates for President and Vice
26 President file an oath with the Department of
27 State before the first primary election;
28 amending s. 103.091, F.S.; providing for state
29 or county executive committee members to be
30 elected at the first primary election; amending
31 s. 105.031, F.S., relating to requirements for

Bill No. SB 958

Barcode 324446

582-2032D-07

1 qualifying for election to office; conforming
 2 provisions; amending s. 105.041, F.S.;
 3 providing requirements for the ballots for the
 4 first primary election; amending s. 105.051,
 5 F.S.; providing for the names of certain
 6 candidates for office to be placed on the
 7 ballot at the first primary election; amending
 8 s. 106.07, F.S.; revising requirements for
 9 filing reports of contributions received and
 10 expenditures made on behalf of a candidate or
 11 political committee; amending s. 106.08, F.S.;
 12 providing for application of certain
 13 limitations on contributions with respect to
 14 the first and second primary elections;
 15 amending s. 106.29, F.S., relating to reports
 16 by political parties; conforming provisions;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Subsection (17) of section 97.021, Florida
 22 Statutes, is amended to read:

23 97.021 Definitions.--For the purposes of this code,
 24 except where the context clearly indicates otherwise, the
 25 term:

26 (17) "Minor political party" is any group that
 27 registers pursuant to s. 103.085, and that ~~as defined in this~~
 28 ~~subsection which~~ on January 1 preceding a primary election has
 29 ~~does not have registered as members~~ 5 percent or fewer of the
 30 total registered electors of the state as registered members
 31 of the group. ~~Any group of citizens organized for the general~~

Bill No. SB 958

Barcode 324446

582-2032D-07

~~purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days of such changes.~~

Section 2. Subsections (6) and (7) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.--

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver's license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified, the applicant shall be notified that the application is incomplete and that the voter must provide evidence to the supervisor sufficient to verify the authenticity of the number provided on the application. If the voter provides the necessary evidence, the supervisor shall place the voter's name on the registration rolls as an active voter. If the voter has not provided the necessary evidence or the number has not otherwise been verified prior to the applicant presenting himself or herself to vote, the applicant

Bill No. SB 958

Barcode 324446

582-2032D-07

1 shall be provided a provisional ballot. The provisional ballot
2 shall be counted only if the application is verified by the
3 end of the canvassing period or if the applicant presents
4 evidence to the supervisor of elections sufficient to verify
5 the authenticity of the driver's license number, Florida
6 identification card number, or last four digits of the social
7 security number provided on the application no later than 5
8 p.m. of the second ~~third~~ day following the election.

9 (7) All voter registration applications received by a
10 voter registration official shall be entered into the
11 statewide voter registration system within 13 ~~15~~ days after
12 receipt. Once entered, the application shall be immediately
13 forwarded to the appropriate supervisor of elections.

14 Section 3. Section 98.056, Florida Statutes, is
15 created to read:

16 98.056 Registration list maintenance forms.--The
17 department shall prescribe registration list maintenance forms
18 to be used by the supervisors, which must include:

19 (1) An "address confirmation request," which must
20 contain:

21 (a) The voter's name and address of legal residence as
22 shown on the voter registration record.

23 (b) A request that the supervisor be informed if
24 either the name or address of legal residence of the voter is
25 incorrect.

26 (2) An "address change notice," which must be sent by
27 forwardable mail, including a postage prepaid preaddressed
28 return form with which the voter may verify or correct his or
29 her address information.

30 (3) An "address confirmation final notice," which must
31 be sent by forwardable mail and must contain a postage prepaid

582-2032D-07

1 preaddressed return form and a statement that:

2 (a) If the voter has not changed address of legal
3 residence or has changed address of legal residence within the
4 state, the voter should return the return form within 30 days
5 after the date of notice.

6 (b) If the return form is not returned and the voter
7 does not offer to vote by the second general election
8 thereafter, the voter's name will be removed from the voter
9 registration books.

10 (c) If the voter has changed address of legal
11 residence to a location outside the state:

12 1. The voter should return the return form, which will
13 serve as a request to be removed from the registration books;
14 and

15 2. The voter will be provided with information on how
16 to register in the new jurisdiction in order to be eligible to
17 vote.

18 Section 4. Subsection (4) of section 98.065, Florida
19 Statutes, is amended to read:

20 98.065 Registration list maintenance programs.--

21 (4)(a) If the supervisor receives change-of-address
22 information pursuant to the activities conducted in subsection
23 (2), from jury notices signed by the voter and returned to the
24 courts, from the Department of Highway Safety and Motor
25 Vehicles, or from other sources, which information indicates
26 that the legal address of a registered voter might have
27 changed within the state, the supervisor must change the
28 registration records to show the new address and must ~~shall~~
29 ~~send the voter by forwardable return if undeliverable mail an~~
30 ~~address change confirmation notice to the address at which the~~
31 ~~voter was last registered. A supervisor may also send an~~

Bill No. SB 958

Barcode 324446

582-2032D-07

1 ~~address confirmation notice to any voter who the supervisor~~
2 ~~has reason to believe has moved from his or her legal~~
3 ~~residence.~~

4 (b) If the supervisor receives change-of-address
5 information pursuant to the activities conducted in subsection
6 (2), from jury notices signed by the voter and returned to the
7 courts, or from other sources, which information indicates the
8 legal residence of a registered voter might have changed
9 outside the state, the supervisor shall send an address
10 confirmation final notice to the voter. The address
11 ~~confirmation notice shall contain a postage prepaid,~~
12 ~~preaddressed return form on which:~~

13 1. ~~If the voter has changed his or her address of~~
14 ~~legal residence to a location outside the state, the voter~~
15 ~~shall mark that the voter's legal residence has changed to a~~
16 ~~location outside the state. The form shall also include~~
17 ~~information on how to register in the new state in order to be~~
18 ~~eligible to vote. The form must be returned within 30 days~~
19 ~~after the date of the notice. The completed form shall~~
20 ~~constitute a request to be removed from the statewide voter~~
21 ~~registration system.~~

22 2. ~~If the voter has changed his or her address of~~
23 ~~legal residence to a location inside the state, the voter~~
24 ~~shall set forth the updated or corrected address and submit~~
25 ~~the return form within 30 days after the date of the notice.~~
26 ~~The completed form shall constitute a request to update the~~
27 ~~statewide voter registration system with the updated or~~
28 ~~corrected address information.~~

29 3. ~~If the voter has not changed his or her address of~~
30 ~~legal residence as printed on the address confirmation notice,~~
31 ~~the voter shall confirm that his or her address of legal~~

582-2032D-07

1 ~~residence has not changed and submit the form within 30 days~~
2 ~~after the date of the notice.~~

3 (c) The supervisor must designate as inactive all
4 voters who have been sent an address confirmation final notice
5 and who have not returned the postage prepaid, preaddressed
6 return form within 30 days or for which an address
7 confirmation final notice has been returned as undeliverable.
8 Names on the inactive list may not be used to calculate the
9 number of signatures needed on any petition. A voter on the
10 inactive list may be restored to the activelist of voters
11 upon the voter updating his or her registration, requesting an
12 absentee ballot, or appearing to vote. However, if the voter
13 does not update his or her voter registration information,
14 request an absentee ballot, or vote by the second general
15 election after being placed on the inactive list, the voter's
16 name shall be removed from the statewide voter registration
17 system and the voter shall be required to reregister to have
18 his or her name restored to the statewide voter registration
19 system.

20 Section 5. Subsection (3) of section 98.075, Florida
21 Statutes, is amended to read:

22 98.075 Registration records maintenance activities;
23 ineligibility determinations.--

24 (3) DECEASED PERSONS.--The department shall identify
25 those registered voters who are deceased by comparing
26 information on the lists of deceased persons received from the
27 Department of Health as provided in s. 98.093. Upon receipt of
28 such information through the statewide voter registration
29 system, the supervisor shall remove the name of the registered
30 voter. Additionally, if the supervisor is presented with a
31 copy of a death certificate issued from a bona fide

582-2032D-07

1 governmental agency or has personal knowledge of the voter's
2 death, the supervisor shall remove the name of the deceased
3 voter from the statewide voter registration system.

4 Section 6. Paragraph (a) of subsection (1) of section
5 99.021, Florida Statutes, is amended to read:

6 99.021 Form of candidate oath.--

7 (1)(a)1. Each candidate, whether a party candidate, a
8 candidate with no party affiliation, or a write-in candidate,
9 in order to qualify for nomination or election to any office
10 other than a judicial office as defined in chapter 105 or a
11 federal office, shall take and subscribe to an oath or
12 affirmation in writing. A printed copy of the oath or
13 affirmation shall be furnished to the candidate by the officer
14 before whom such candidate seeks to qualify and shall be
15 substantially in the following form:

16
17 State of Florida

18 County of....

19 Before me, an officer authorized to administer oaths,
20 personally appeared ...(please print name as you wish it to
21 appear on the ballot)..., to me well known, who, being sworn,
22 says that he or she is a candidate for the office of;
23 that he or she is a qualified elector of County, Florida;
24 that he or she is qualified under the Constitution and the
25 laws of Florida to hold the office to which he or she desires
26 to be nominated or elected; that he or she has taken the oath
27 required by ss. 876.05-876.10, Florida Statutes; that he or
28 she has qualified for no other public office in the state, the
29 term of which office or any part thereof runs concurrent with
30 that of the office he or she seeks; and that he or she has
31 resigned from any office from which he or she is required to

582-2032D-07

1 resign pursuant to s. 99.012, Florida Statutes.

2 ... (Signature of candidate)...

3 ... (Address)...

5 Sworn to and subscribed before me this day of,

6 ... (year)...., at County, Florida.

7 ... (Signature and title of officer administering oath)...

9 2. Each candidate for federal office, whether a party
10 candidate, a candidate with no party affiliation, or a
11 write-in candidate, in order to qualify for nomination or
12 election to office shall take and subscribe to an oath or
13 affirmation in writing. A printed copy of the oath or
14 affirmation shall be furnished to the candidate by the officer
15 before whom such candidate seeks to qualify and shall be
16 substantially in the following form:

18 State of Florida

19 County of _____

20 Before me, an officer authorized to administer oaths,
21 personally appeared (please print name as you wish it to
22 appear on the ballot), to me well known, who, being sworn,
23 says that he or she is a candidate for the office of
24 _____ ; that he or she is qualified under the Constitution
25 and laws of the United States to hold the office to which he
26 or she desires to be nominated or elected; that he or she has
27 qualified for no other public office in the state, the term of
28 which office or any part thereof runs concurrent with that of
29 the office he or she seeks; and that he or she has resigned
30 from any office from which he or she is required to resign
31 pursuant to s. 99.012, Florida Statutes.

Bill No. SB 958

Barcode 324446

582-2032D-07

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(Signature of candidate)

(Address)

Sworn to and subscribed before me this _____ day of _____
(year), at _____ County, Florida.

...(Signature and title of officer administering oath)...

Section 7. Section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.--

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the petition process pursuant to s. 99.095 with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the primary election, but not later than noon of the 116th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to federal office or to the office of the state attorney or the public defender; and noon of the 71st ~~50th~~ day prior to the primary election, but not later than noon of the 67th ~~46th~~ day prior to the date of the primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office, other than the office of the state attorney or the

Bill No. SB 958

Barcode 324446

582-2032D-07

1 public defender.

2 (2) The provisions of any special act to the contrary
3 notwithstanding, each person seeking to qualify for nomination
4 or election to a county office, or district ~~or special~~
5 ~~district~~ office not covered by subsection (1), shall file his
6 or her qualification papers with, and pay the qualifying fee,
7 which shall consist of the filing fee and election assessment,
8 and party assessment, if any has been levied, to, the
9 supervisor of elections of the county, or shall qualify by the
10 petition process pursuant to s. 99.095 with the supervisor of
11 elections, at any time after noon of the 1st day for
12 qualifying, which shall be the 71st ~~50th~~ day prior to the
13 primary election ~~or special district election~~, but not later
14 than noon of the 67th ~~46th~~ day prior to the date of the
15 primary election ~~or special district election. However, if a~~
16 ~~special district election is held at the same time as the~~
17 ~~general election, qualifying shall be the 50th day prior to~~
18 ~~the primary election, but not later than noon of the 46th day~~
19 ~~prior to the date of the primary election. Within 30 days~~
20 after the closing of qualifying time, the supervisor of
21 elections shall remit to the secretary of the state executive
22 committee of the political party to which the candidate
23 belongs the amount of the filing fee, two-thirds of which
24 shall be used to promote the candidacy of candidates for
25 county offices and the candidacy of members of the
26 Legislature.

27 (3) Notwithstanding the provisions of any special act
28 to the contrary, each person seeking to qualify for election
29 to a special district office shall qualify between noon of the
30 71st day prior to the primary election and noon of the 67th
31 day prior to the date of the primary election. Candidates for

Bill No. SB 958

Barcode 324446

582-2032D-07

1 single county special districts shall qualify with the
2 supervisor of elections in the county in which the district is
3 located. If the district is a multicounty district, candidates
4 shall qualify with the Department of State. All special
5 district candidates shall qualify by paying a filing fee of
6 \$25 or qualify by the petition process pursuant to s. 99.095.
7 Notwithstanding s. 106.021, a candidate who does not collect
8 contributions and whose only expense is the filing fee or
9 signature verification fee is not required to appoint a
10 campaign treasurer or designate a primary campaign depository.

11 (4)(3)(a) Each person seeking to qualify for election
12 to office as a write-in candidate shall file his or her
13 qualification papers with the respective qualifying officer at
14 any time after noon of the 1st day for qualifying, but not
15 later than noon of the last day of the qualifying period for
16 the office sought.

17 (b) Any person who is seeking election as a write-in
18 candidate shall not be required to pay a filing fee, election
19 assessment, or party assessment. A write-in candidate is shall
20 not be entitled to have his or her name printed on any ballot;
21 however, space for the write-in candidate's name to be written
22 in must shall be provided on the general election ballot. A No
23 person may not qualify as a write-in candidate if the person
24 has also otherwise qualified for nomination or election to
25 such office.

26 (5)(4) At the time of qualifying for office, each
27 candidate for a constitutional office shall file a full and
28 public disclosure of financial interests pursuant to s. 8,
29 Art. II of the State Constitution, and a candidate for any
30 other office, including local elective office, shall file a
31 statement of financial interests pursuant to s. 112.3145.

582-2032D-07

1 ~~(6)(5)~~ The Department of State shall certify to the
 2 supervisor of elections, within 7 days after the closing date
 3 for qualifying, the names of all duly qualified candidates for
 4 nomination or election who have qualified with the Department
 5 of State.

6 ~~(6)~~ Notwithstanding the qualifying period prescribed
 7 in this section, if a candidate has submitted the necessary
 8 petitions by the required deadline in order to qualify by the
 9 petition process pursuant to s. 99.095 as a candidate for
 10 nomination or election and the candidate is notified after the
 11 5th day prior to the last day for qualifying that the required
 12 number of signatures has been obtained, the candidate is
 13 entitled to subscribe to the candidate's oath and file the
 14 qualifying papers at any time within 5 days from the date the
 15 candidate is notified that the necessary number of signatures
 16 has been obtained. Any candidate who qualifies within the time
 17 prescribed in this subsection is entitled to have his or her
 18 name printed on the ballot.

19 (7)(a) In order for a candidate to be qualified, the
 20 following items must be received by the filing officer by the
 21 end of the qualifying period:

- 22 1. A properly executed check drawn upon the
 23 candidate's campaign account in an amount not less than the
 24 fee required by s. 99.092 or, in lieu thereof, as applicable,
 25 the copy of the notice of obtaining ballot position pursuant
 26 to s. 99.095. The filing fee for a special district candidate
 27 is not required to be drawn upon the candidate's campaign
 28 account. If a candidate's check is returned by the bank for
 29 any reason, the filing officer shall immediately notify the
 30 candidate and the candidate shall, the end of qualifying
 31 notwithstanding, have 48 hours from the time such notification

582-2032D-07

1 is received, excluding Saturdays, Sundays, and legal holidays,
 2 to pay the fee with a cashier's check purchased from funds of
 3 the campaign account. Failure to pay the fee as provided in
 4 this subparagraph shall disqualify the candidate.

5 2. The candidate's oath required by s. 99.021, which
 6 must contain the name of the candidate as it is to appear on
 7 the ballot; the office sought, including the district or group
 8 number if applicable; and the signature of the candidate, duly
 9 acknowledged.

10 3. The loyalty oath required by s. 876.05, signed by
 11 the candidate and duly acknowledged.

12 4. If the office sought is partisan, the written
 13 statement of political party affiliation required by s.
 14 99.021(1)(b).

15 5. The completed form for the appointment of campaign
 16 treasurer and designation of campaign depository, as required
 17 by s. 106.021.

18 6. The full and public disclosure or statement of
 19 financial interests required by subsection(5) ~~(4)~~. A public
 20 officer who has filed the full and public disclosure or
 21 statement of financial interests with the Commission on Ethics
 22 or the supervisor of elections prior to qualifying for office
 23 may file a copy of that disclosure at the time of qualifying.

24 (b) If the filing officer receives qualifying papers
 25 that do not include all items as required by paragraph (a)
 26 prior to the last day of qualifying, the filing officer shall
 27 make a reasonable effort to notify the candidate of the
 28 missing or incomplete items and shall inform the candidate
 29 that all required items must be received by the close of
 30 qualifying. A candidate's name as it is to appear on the
 31 ballot may not be changed after the end of qualifying.

582-2032D-07

1 (8) Notwithstanding the qualifying period prescribed
 2 in this section, a qualifying office may accept and hold
 3 qualifying papers submitted not earlier than 14 days prior to
 4 the beginning of the qualifying period, to be processed and
 5 filed during the qualifying period.

6 (9) Notwithstanding the qualifying period prescribed
 7 by this section, in each year in which the Legislature
 8 apportions the state, the qualifying period for persons
 9 seeking to qualify for nomination or election to federal
 10 office shall be between noon of the 71st ~~57th~~ day prior to the
 11 primary election, but not later than noon of the 67th ~~53rd~~ day
 12 prior to the primary election.

13 (10) The Department of State may prescribe by rule
 14 requirements for filing papers to qualify as a candidate under
 15 this section.

16 Section 8. Subsection (1) of section 99.093, Florida
 17 Statutes, is amended to read:

18 99.093 Municipal candidates; election assessment.--

19 (1) Each person seeking to qualify for nomination or
 20 election to a municipal office shall pay, at the time of
 21 qualifying for office, an election assessment. The election
 22 assessment shall be an amount equal to 1 percent of the annual
 23 salary of the office sought. Within 30 days after the close
 24 of qualifying, the qualifying officer shall forward all
 25 assessments collected pursuant to this section to the Florida
 26 Elections Commission ~~Department of State~~ for deposit in the
 27 Elections Commission Trust Fund.

28 Section 9. Subsections (2) and (4) of section 99.095,
 29 Florida Statutes, are amended to read:

30 99.095 Petition process in lieu of a qualifying fee

31 and party assessment.--

Bill No. SB 958

Barcode 324446

582-2032D-07

1 (2)(a) Except as provided in paragraph (b), a
2 candidate must ~~shall~~ obtain the number of signatures of voters
3 in the geographical area represented by the office sought
4 equal to at least 1 percent of the total number of registered
5 voters of that geographical area, as shown by the compilation
6 by the department for the immediately ~~last~~ preceding general
7 election. Signatures may not be obtained until the candidate
8 has filed the appointment of campaign treasurer and
9 designation of campaign depository pursuant to s. 106.021.

10 (b) A candidate for a special district office shall
11 obtain 25 signatures of voters in the geographical area
12 represented by the office sought.

13 (c)(b) The format of the petition shall be prescribed
14 by the division and shall be used by candidates to reproduce
15 petitions for circulation. If the candidate is running for an
16 office that requires a group or district designation, the
17 petition must indicate that designation and, if it does not,
18 the signatures are not valid. A separate petition is required
19 for each candidate.

20 (4)(a) Certifications for candidates for federal,
21 state, ~~or~~ multicounty district, or multicounty special
22 district office shall be submitted to the division no later
23 than the 7th day before the first day of the qualifying period
24 for the office sought. The division shall determine whether
25 the required number of signatures has been obtained and shall
26 notify the candidate.

27 (b) For candidates for county, ~~or~~ district, or special
28 district office not covered by paragraph (a), the supervisor
29 shall determine whether the required number of signatures has
30 been obtained and shall notify the candidate.

31 Section 10. Paragraph (b) of subsection (3) of section

582-2032D-07

1 99.097, Florida Statutes, is amended to read:

2 99.097 Verification of signatures on petitions.--

3 (3)

4 (b) If a voter signs a petition and lists an address
5 other than the legal residence where the voter is registered,
6 the petition shall not be counted and the supervisor shall
7 mail to the voter a new voter registration application, along
8 with the reason the new application is being sent ~~treat the~~
9 ~~signature as if the voter had listed the address where the~~
10 ~~voter is registered.~~

11 Section 11. Paragraph (a) of subsection (2) of section
12 100.041, Florida Statutes, is amended to read:

13 100.041 Officers chosen at general election.--

14 (2)(a) Each county commissioner from an odd-numbered
15 district shall be elected at the general election in each year
16 the number of which is a multiple of 4, for a 4-year term
17 commencing on the second Tuesday following such election, and
18 each county commissioner from an even-numbered district shall
19 be elected at the general election in each even-numbered year
20 the number of which is not a multiple of 4, for a 4-year term
21 commencing on the second Tuesday following such election. A
22 county commissioner is "elected" for purposes of this
23 paragraph on the date that the county canvassing board
24 certifies the results of the election pursuant to s. 102.151.

25 Section 12. Section 100.061, Florida Statutes, is
26 amended to read:

27 100.061 Primary election.--In each year in which a
28 general election is held, a primary election for nomination of
29 candidates of political parties shall be held on the Tuesday
30 10 ~~9~~ weeks prior to the general election. The candidate
31 receiving the highest number of votes cast in each contest in

Bill No. SB 958

Barcode 324446

582-2032D-07

1 the primary election shall be declared nominated for such
2 office. If two or more candidates receive an equal and highest
3 number of votes for the same office, such candidates shall
4 draw lots to determine which candidate is nominated.

5 Section 13. Section 100.191, Florida Statutes, is
6 amended to read:

7 100.191 General election laws applicable to special
8 elections; returns.--All laws that are applicable to general
9 elections are applicable to special elections or special
10 primary elections to fill a vacancy in office or nomination,
11 ~~except that the canvass of returns by the county canvassing~~
12 ~~board of each county in which a special election is held shall~~
13 ~~be made on the day following the election, and the certificate~~
14 ~~of the result of the canvass shall be immediately forwarded to~~
15 ~~the Department of State. The Elections Canvassing Commission~~
16 shall immediately, upon receipt of returns from the county in
17 which a special election is held, proceed to canvass the
18 returns and determine and declare the result thereof.

19 Section 14. Section 100.361, Florida Statutes, is
20 amended to read:

21 (Substantial rewording of section. See
22 s. 100.361, F.S., for present text.)

23 100.361 Municipal recall.--

24 (1) APPLICATION; DEFINITION.--Any member of the
25 governing body of a municipality or charter county,
26 hereinafter referred to in this section as "municipality," may
27 be removed from office by the electors of the municipality.
28 When the official represents a district and is elected only by
29 electors residing in that district, only electors from that
30 district are eligible to sign the petition to recall that
31 official and are entitled to vote in the recall election. When

Bill No. SB 958

Barcode 324446

582-2032D-07

1 the official represents a district and is elected at large by
2 the electors of the municipality, all electors of the
3 municipality are eligible to sign the petition to recall that
4 official and are entitled to vote in the recall election.

5 Where used in this section, the term "district" shall be
6 construed to mean the area or region of a municipality from
7 which a member of the governing body is elected by the
8 electors from such area or region. Members may be removed from
9 office pursuant to the procedures under this section. This
10 method of removing members of the governing body of a
11 municipality is in addition to such other methods now or
12 hereafter provided by the general laws of this state.

13 (2) RECALL PETITION.--

14 (a) Petition content.--A petition must contain the
15 name of the person sought to be recalled and a statement of
16 grounds for recall. The statement of grounds may not exceed
17 200 words and the stated grounds are limited solely to those
18 specified in paragraph (d). If more than one member of the
19 governing body is sought to be recalled, whether such member
20 is elected by the electors of a district or by the electors of
21 the municipality at large, a separate recall petition shall be
22 prepared for each member sought to be recalled. Upon request,
23 the content of a petition should be, but is not required to
24 be, provided by the proponent in alternative formats.

25 (b) Requisite signatures.--

26 1. In a municipality or district of fewer than 500
27 electors, the petition must be signed by at least 50 electors
28 or by 10 percent of the total number of registered electors of
29 the municipality or district as of the preceding municipal
30 election, whichever is greater.

31 2. In a municipality or district of 500 or more but

582-2032D-07

1 fewer than 2,000 registered electors, the petition must be
 2 signed by at least 100 electors or by 10 percent of the total
 3 number of registered electors of the municipality or district
 4 as of the preceding municipal election, whichever is greater.

5 3. In a municipality or district of 2,000 or more but
 6 fewer than 5,000 registered electors, the petition must be
 7 signed by at least 250 electors or by 10 percent of the total
 8 number of registered electors of the municipality or district
 9 as of the preceding municipal election, whichever is greater.

10 4. In a municipality or district of 5,000 or more but
 11 fewer than 10,000 registered electors, the petition must be
 12 signed by at least 500 electors or by 10 percent of the total
 13 number of registered electors of the municipality or district
 14 as of the preceding municipal election, whichever is greater.

15 5. In a municipality or district of 10,000 or more but
 16 fewer than 25,000 registered electors, the petition must be
 17 signed by at least 1,000 electors or by 10 percent of the
 18 total number of registered electors of the municipality or
 19 district as of the preceding municipal election, whichever is
 20 greater.

21 6. In a municipality or district of 25,000 or more
 22 registered electors, the petition must be signed by at least
 23 1,000 electors or by 5 percent of the total number of
 24 registered electors of the municipality or district as of the
 25 preceding municipal election, whichever is greater.

26
 27 All signatures must be obtained, as provided in paragraph (f),
 28 within a period of 30 days, and all signed and dated petition
 29 forms must be filed at the same time no later than 30 days
 30 after the date the first signature is obtained on the
 31 petition.

Bill No. SB 958

Barcode 324446

582-2032D-07

1 (c) Recall committee.--Electors of the municipality or
2 district making charges contained in the statement of grounds
3 for recall and those signing the recall petition shall be
4 designated as the "committee." A specific person shall be
5 designated in the petition as chair of the committee to act
6 for the committee. The recall committee and the officer being
7 recalled are subject to chapter 106.

8 (d) Grounds for recall.--The grounds for removal of
9 elected municipal officials shall, for the purposes of this
10 section, be limited to the following and must be contained in
11 the petition:

- 12 1. Malfeasance;
- 13 2. Misfeasance;
- 14 3. Neglect of duty;
- 15 4. Drunkenness;
- 16 5. Incompetence;
- 17 6. Permanent inability to perform official duties; and
- 18 7. Conviction of a felony involving moral turpitude.

19 (e) Signature process.--Electors of the municipality
20 or district are eligible to sign the petition. Each elector of
21 the municipality signing a petition shall sign his or her name
22 in ink or indelible pencil as registered in the office of the
23 supervisor of elections and shall state on the petition his or
24 her place of residence and voting precinct. Each petition must
25 contain appropriate lines for the signature, printed name, and
26 street address of the elector and an oath, to be executed by a
27 witness thereof, verifying the fact that the witness saw each
28 person sign the counterpart of the petition, that each
29 signature appearing thereon is the genuine signature of the
30 person it purports to be, and that the petition was signed in
31 the presence of the witness on the date indicated.

Bill No. SB 958

Barcode 324446

582-2032D-07

1 (f) Filing of signed petitions.--All signed petition
2 forms must be filed at the same time no later than 30 days
3 after the date the first signature is obtained on the
4 petition. The person designated as chair of the committee
5 shall file the signed petition forms with the auditor or clerk
6 of the municipality or charter county, or his or her
7 equivalent, hereinafter referred to as clerk. The petition
8 cannot be amended after it is filed with the clerk.

9 (g) Verification of signatures.--

10 1. Immediately after the filing of the petition forms,
11 the clerk shall submit such forms to the county supervisor of
12 elections. No more than 30 days after the date all petition
13 forms are submitted to the supervisor by the clerk, the
14 supervisor shall promptly verify the signatures in accordance
15 with s. 99.097 and determine whether the requisite number of
16 valid signatures has been obtained for the petition. The
17 committee seeking verification of the signatures shall pay in
18 advance to the supervisor the sum of 10 cents for each
19 signature checked.

20 2. Upon filing with the clerk, the petition and all
21 subsequent papers or forms required or permitted to be filed
22 with the clerk in connection with this section must, upon
23 request, be made available in alternative formats by the
24 clerk.

25 3. If the supervisor determines that the petition does
26 not contain the required signatures, the clerk shall, upon
27 receipt of such determination, so certify to the governing
28 body of the municipality or charter county and file the
29 petition without taking further action, and the matter shall
30 be at an end. Additional names may not be added to the
31 petition and the petition may not be used in any other

Bill No. SB 958

Barcode 324446

582-2032D-07

1 proceeding.

2 4. If the supervisor determines that the petition has
3 the requisite number of verified and valid signatures, the
4 process in subsection (3) shall be followed.

5 (3) RECALL PETITION AND DEFENSE.--

6 (a) Notice.--Upon a determination that the requisite
7 number of signatures has been obtained, the clerk shall, upon
8 receipt of such determination, at once serve upon the person
9 sought to be recalled a certified copy of the petition. Within
10 5 days after service, the person sought to be recalled may
11 file with the clerk a defensive statement of not more than 200
12 words.

13 (b) Content and preparation.--Within 5 days after the
14 date of receipt of the defensive statement or after the last
15 date a defensive statement could have been filed, the clerk
16 shall prepare a document entitled "Recall Petition and
17 Defense." The Recall Petition and Defense must consist of the
18 recall petition, including the names, addresses, and oaths on
19 the original petition form, the defensive statement or, if no
20 defensive statement has been filed, a statement to that
21 effect, and lines and spaces for the signatures of registered
22 electors, places of residence, election precinct numbers,
23 dates of signing, and signatures of witnesses to oaths which
24 conform to the provisions of paragraph (2)(e). The clerk shall
25 make sufficient copies of the Recall Petition and Defense to
26 carry the signatures of 30 percent of the registered electors.
27 Upon preparing and making sufficient copies of the Recall
28 Petition and Defense, the clerk shall deliver the copies to
29 the person designated as chair of the committee and take his
30 or her receipt therefor.

31 (c) Requisite signatures.--Upon receipt of the Recall

Bill No. SB 958

Barcode 324446

582-2032D-07

1 Petition and Defense, the committee may circulate them to
2 obtain the signatures of 15 percent of the electors. All
3 signatures shall be obtained and all signed petition forms
4 shall be filed with the clerk no later than 60 days after
5 delivery of the Recall Petition and Defense to the chair of
6 the committee.

7 (d) Signed petitions; request for striking name.--The
8 clerk shall assemble all signed petitions, check to see that
9 each petition is properly verified by the oath of a witness,
10 and submit such petitions to the county supervisor of
11 elections. Any elector who signs a recall petition has the
12 right to demand in writing that his or her name be stricken
13 from the petition. A written demand signed by the elector
14 shall be filed with the clerk and upon receipt of the demand
15 the clerk shall strike the name of the elector from the
16 petition and place his or her initials to the side of the
17 signature stricken. However, a signature may not be stricken
18 after the clerk has delivered the Recall Petition and Defense
19 to the supervisor for verification of the signatures.

20 (e) Verification of signatures.--Within 30 days after
21 receipt of the signed Recall Petition and Defense, the
22 supervisor shall determine the number of valid signatures,
23 purge the names withdrawn, and certify whether 15 percent of
24 the qualified electors of the municipality have signed the
25 petitions. The supervisor shall be paid by the persons or
26 committee seeking verification the sum of 10 cents for each
27 name checked.

28 (f) Reporting.--If the supervisor determines that the
29 requisite number of signatures has not been obtained, the
30 clerk shall, upon receipt of the determination, certify such
31 determination to the governing body and retain the petitions.

Bill No. SB 958

Barcode 324446

582-2032D-07

1 The proceedings shall be terminated, and the petitions may not
2 be used again. If the supervisor determines that at least 15
3 percent of the qualified electors signed the petition, the
4 clerk shall, upon receipt of the determination, serve notice
5 of that determination upon the person sought to be recalled
6 and deliver to the governing body a certificate as to the
7 percentage of qualified electors who signed.

8 (4) RECALL ELECTION.--If the person designated in the
9 petition files with the clerk, within 5 days after the
10 last-mentioned notice, his or her written resignation, the
11 clerk shall at once notify the governing body of that fact,
12 and the resignation shall be irrevocable. The governing body
13 shall then proceed to fill the vacancy according to the
14 provisions of the appropriate law. In the absence of a
15 resignation, the chief judge of the judicial circuit in which
16 the municipality is located shall fix a day for holding a
17 recall election for the removal of those not resigning. Any
18 such election shall be held not less than 30 days or more than
19 60 days after the expiration of the 5-day period
20 last-mentioned and at the same time as any other general or
21 special election held within the period; but if no such
22 election is to be held within that period, the judge shall
23 call a special recall election to be held within the period
24 aforsaid.

25 (5) BALLOTS.--The ballots at the recall election shall
26 conform to the following: With respect to each person whose
27 removal is sought, the question shall be submitted: "Shall
28 _____ be removed from the office of _____ by recall?"
29 Immediately following each question there shall be printed on
30 the ballots the two propositions in the order here set forth:
31 " (name of person) should be removed from office."

582-2032D-07

1 " (name of person) should not be removed from office."

2 (6) FILLING OF VACANCIES; SPECIAL ELECTIONS.--

3 (a) If an election is held for the recall of members
 4 elected only at large, candidates to succeed them for the
 5 unexpired terms shall be voted upon at the same election and
 6 shall be elected in the same manner as provided by the
 7 appropriate law for the election of candidates at general
 8 elections. Candidates shall not be elected to succeed any
 9 particular member. If only one member is removed, the
 10 candidate receiving the highest number of votes shall be
 11 declared elected to fill the vacancy. If more than one member
 12 is removed, candidates equal in number to the number of
 13 members removed shall be declared elected to fill the
 14 vacancies; and, among the successful candidates, those
 15 receiving the greatest number of votes shall be declared
 16 elected for the longest terms. Cases of ties, and all other
 17 matters not specially provided for in this section, shall be
 18 determined by the rules governing elections generally.

19 (b) If an election is held for the recall of members
 20 elected only from districts, candidates to succeed them for
 21 the unexpired terms shall be voted upon at a special election
 22 called by the chief judge of the judicial circuit in which the
 23 districts are located not less than 30 days or more than 60
 24 days after the expiration of the recall election. The
 25 qualifying period, for purposes of this section, shall be
 26 established by the chief judge of the judicial circuit after
 27 consultation with the clerk. Any candidate seeking election to
 28 fill the unexpired term of a recalled district municipal
 29 official must reside in the district represented by the
 30 recalled official and qualify for office in the manner
 31 required by law. Each candidate receiving the highest number

Bill No. SB 958

Barcode 324446

582-2032D-07

1 of votes for each office in the special district recall
2 election shall be declared elected to fill the unexpired term
3 of the recalled official. Candidates seeking election to fill
4 a vacancy created by the removal of a municipal official are
5 subject to the provisions of chapter 106.

6 (c) When an election is held for the recall of members
7 of the governing body composed of both members elected at
8 large and from districts, candidates to succeed them for the
9 unexpired terms shall be voted upon at a special election as
10 provided in paragraph (b).

11 (d) However, in any recall election held pursuant to
12 paragraph (b) or paragraph (c), if only one member is voted to
13 be removed from office, the vacancy created by the recall
14 shall be filled by the governing body according to the
15 provisions of the appropriate law for filling vacancies.

16 (7) EFFECT OF RESIGNATIONS.--If the member of the
17 governing body being recalled resigns from office prior to the
18 recall election, the remaining members shall fill the vacancy
19 created according to the appropriate law for filling
20 vacancies. If all of the members of the governing body are
21 sought to be recalled and all of the members resign prior to
22 the recall election, the recall election shall be canceled,
23 and a special election shall be called to fill the unexpired
24 terms of the resigning members. If all of the members of the
25 governing body are sought to be recalled and any of the
26 members resign prior to the recall election, the proceedings
27 for the recall of members not resigning and the election of
28 successors to fill the unexpired terms shall continue and have
29 the same effect as though there had been no resignation.

30 (8) WHEN PETITION MAY BE FILED.--A petition to recall
31 any member of the governing body of a municipality may not be

582-2032D-07

1 filed until the member has served one-fourth of his or her
2 term of office. A person removed by a recall, or resigning
3 after a petition has been filed against him or her, is not
4 eligible to be appointed to the governing body within a period
5 of 2 years after the date of such recall or resignation.

6 (9) RETENTION OF PETITION.--The clerk shall preserve
7 in his or her office all papers comprising or connected with a
8 petition for recall for a period of 2 years after the papers
9 were filed.

10 (10) OFFENSES RELATING TO PETITIONS.--A person may not
11 impersonate another, purposely write his or her name or
12 residence falsely in the signing of any petition for recall or
13 forge any name thereto, or sign any paper with knowledge that
14 he or she is not a qualified elector of the municipality. A
15 person may not employ or pay another to accept employment or
16 payment for circulating or witnessing a recall petition. Any
17 person violating this subsection commits a misdemeanor of the
18 second degree, punishable as provided in s. 775.082 or s.
19 775.083.

20 (11) INTENT.--It is the intent of the Legislature that
21 the recall procedures provided in this section be uniform
22 statewide. Therefore, all provisions of a municipal charter or
23 special law which are contrary to the provisions of this
24 section are repealed to the extent of that conflict.

25 (12) PROVISIONS APPLICABLE.--This section applies
26 regardless of whether a municipality or charter county has
27 adopted recall provisions.

28 Section 15. Subsection (3) of section 100.371, Florida
29 Statutes, is amended to read:

30 100.371 Initiatives; procedure for placement on
31 ballot.--

582-2032D-07

1 (3) Each signature shall be dated when made and shall
2 be valid for a period of 2 ~~4~~ years following such date,
3 provided all other requirements of law are met. The sponsor
4 shall submit signed and dated forms to the appropriate
5 supervisor of elections for verification as to the number of
6 registered electors whose valid signatures appear thereon. The
7 supervisor shall promptly verify the signatures upon payment
8 of the fee required by s. 99.097. The supervisor shall
9 promptly record each valid signature in the statewide voter
10 registration system in the manner prescribed by the Secretary
11 of State. The supervisor shall retain the signature forms for
12 at least 1 year following the election in which the issue
13 appeared on the ballot or until the Division of Elections
14 notifies the supervisors of elections that the committee which
15 circulated the petition is no longer seeking to obtain ballot
16 position.

17 Section 16. The amendment of section 100.371, Florida
18 Statutes, made by this act applies to all initiative petitions
19 approved for circulation on or after January 1, 2008.

20 Section 17. Section 101.041, Florida Statutes, is
21 amended to read:

22 101.041 Secret voting.--In all elections held on any
23 subject which may be submitted to a vote, and for all or any
24 state, county, district, or municipal officers, the voting
25 shall be by secret, official ballot ~~printed and distributed~~ as
26 provided by this code, and no vote shall be received or
27 counted in any election, except as prescribed by this code.

28 Section 18. Subsection (1) of section 101.048, Florida
29 Statutes, is amended to read:

30 101.048 Provisional ballots.--

31 (1) At all elections, a voter claiming to be properly

582-2032D-07

1 registered in the state and eligible to vote at the precinct
 2 in the election but whose eligibility cannot be determined, a
 3 person whom an election official asserts is not eligible, and
 4 other persons specified in the code shall be entitled to vote
 5 a provisional ballot. Once voted, the provisional ballot shall
 6 be placed in a secrecy envelope and thereafter sealed in a
 7 provisional ballot envelope. The provisional ballot shall be
 8 deposited in a ballot box. All provisional ballots shall
 9 remain sealed in their envelopes for return to the supervisor
 10 of elections. The department shall prescribe the form of the
 11 provisional ballot envelope. A person casting a provisional
 12 ballot shall have the right to present written evidence
 13 supporting his or her eligibility to vote to the supervisor of
 14 elections by not later than 5 p.m. on the second ~~third~~ day
 15 following the election.

16 Section 19. Subsection (3) of section 101.111, Florida
 17 Statutes, is amended, and subsection (4) of that section is
 18 reenacted, to read:

19 101.111 Person desiring to vote may be challenged;
 20 challenger to execute oath; oath of person challenged;
 21 determination of challenge.--

22 (3) Any elector or poll watcher may challenge the
 23 right of any voter to vote not sooner than 30 days before an
 24 election by filing a completed copy of the oath contained in
 25 subsection (1) to the supervisor of election's office. The
 26 supervisor shall provide the election board in the challenged
 27 voter's precinct with a copy of the challenge. The challenged
 28 voter shall be permitted to cast a provisional ballot.

29 (4) Any elector or poll watcher filing a frivolous
 30 challenge of any person's right to vote commits a misdemeanor
 31 of the first degree, punishable as provided in s. 775.082 or

582-2032D-07

1 s. 775.083; however, electors or poll watchers shall not be
 2 subject to liability for any action taken in good faith and in
 3 furtherance of any activity or duty permitted of such electors
 4 or poll watchers by law. Each instance where any elector or
 5 poll watcher files a frivolous challenge of any person's right
 6 to vote constitutes a separate offense.

7 Section 20. Subsection (1) of section 101.51, Florida
 8 Statutes, is amended to read:

9 101.51 Electors to occupy booth alone.--

10 (1) When the elector presents himself or herself to
 11 vote, the election official shall ascertain whether the
 12 elector's name is upon the register of electors, and, if the
 13 elector's name appears and no challenge interposes, or, if
 14 interposed, be not sustained, one of the election officials
 15 stationed at the entrance shall ~~announce the name of the~~
 16 ~~elector and~~ permit him or her to enter the booth or
 17 compartment to cast his or her vote, allowing only one elector
 18 at a time to pass through to vote. An elector, while casting
 19 his or her ballot, may not occupy a booth or compartment
 20 already occupied or speak with anyone, except as provided by
 21 s. 101.051.

22 Section 21. Subsections (6) and (8) of section
 23 101.6103, Florida Statutes, are amended to read:

24 101.6103 Mail ballot election procedure.--

25 (6) The canvassing board may begin the canvassing of
 26 mail ballots at 7 a.m. on the sixth ~~fourth~~ day before the
 27 election, including processing the ballots through the
 28 tabulating equipment. However, results may not be released
 29 until after 7 p.m. on election day. Any canvassing board
 30 member or election employee who releases any result before 7
 31 p.m. on election day commits a felony of the third degree,

582-2032D-07

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

3 (8) ~~Effective July 1, 2005,~~ A ballot that otherwise
4 satisfies the requirements of subsection (5) shall be counted
5 even if the elector dies after mailing the ballot but before
6 election day, as long as, prior to the death of the voter, the
7 ballot was:

8 (a) Postmarked by the United States Postal Service;

9 (b) Date-stamped with a verifiable tracking number by
10 common carrier; or

11 (c) Already in the possession of the supervisor of
12 elections.

13 Section 22. Subsections (1) and (4) of section 101.62,
14 Florida Statutes, are amended to read:

15 101.62 Request for absentee ballots.--

16 (1)(a) The supervisor may accept a request for an
17 absentee ballot from an elector in person or in writing.
18 Except as provided in s. 101.694, one request shall be deemed
19 sufficient to receive an absentee ballot for all elections
20 through the next two regularly scheduled general elections
21 ~~which are held within a calendar year,~~ unless the elector or
22 the elector's designee indicates at the time the request is
23 made the elections for which the elector desires to receive an
24 absentee ballot. Such request may be considered canceled when
25 any first-class mail sent by the supervisor to the elector is
26 returned as undeliverable.

27 (b) The supervisor may accept a written or telephonic
28 request for an absentee ballot from the elector, or, if
29 directly instructed by the elector, a member of the elector's
30 immediate family, or the elector's legal guardian. For
31 purposes of this section, the term "immediate family" has the

Bill No. SB 958

Barcode 324446

582-2032D-07

1 same meaning as specified in paragraph (4)(b). The person
2 making the request must disclose:

3 1. The name of the elector for whom the ballot is
4 requested;

5 2. The elector's address;

6 3. The elector's date of birth;

7 4. The requester's name;

8 5. The requester's address;

9 6. The requester's driver's license number, if
10 available;

11 7. The requester's relationship to the elector; and

12 8. The requester's signature (written requests only).

13 (4)(a) To each absent qualified elector overseas who
14 has requested an absentee ballot, the supervisor of elections
15 shall mail an absentee ballot not less ~~fewer~~ than 35 days
16 before the primary election and not less than 45 days before
17 the ~~or~~ general election.

18 (b) The supervisor shall provide an absentee ballot to
19 each elector by whom a request for that ballot has been made
20 by one of the following means:

21 1. By nonforwardable, return-if-undeliverable mail to
22 the elector's current mailing address on file with the
23 supervisor, unless the elector specifies in the request that:

24 a. The elector is absent from the county and does not
25 plan to return before the day of the election;

26 b. The elector is temporarily unable to occupy the
27 residence because of hurricane, tornado, flood, fire, or other
28 emergency or natural disaster; or

29 c. The elector is in a hospital, assisted-living
30 facility, nursing home, short-term medical or rehabilitation
31 facility, or correctional facility,

582-2032D-07

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in which case the supervisor shall mail the ballot by nonforwardable, return-if-undeliverable mail to any other address the elector specifies in the request.

2. By forwardable mail to voters who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.

3. By personal delivery before 7 p.m. on election day to the elector, upon presentation of the identification required in s. 101.043 ~~s. 101.657~~.

4. By delivery to a designee on election day or up to 5 ~~4~~ days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two absentee ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall

582-2032D-07

1 give the ballot to that designee for delivery to the elector.

2 Section 23. Subsection (2) of section 101.68, Florida
3 Statutes, is amended to read:

4 101.68 Canvassing of absentee ballot.--

5 (2)(a) The county canvassing board may begin the
6 canvassing of absentee ballots at 7 a.m. on the sixth ~~fourth~~
7 day before the election, but not later than noon on the day
8 following the election. In addition, for any county using
9 electronic tabulating equipment, the processing of absentee
10 ballots through such tabulating equipment may begin at 7 a.m.
11 on the sixth ~~fourth~~ day before the election. However,
12 notwithstanding any such authorization to begin canvassing or
13 otherwise processing absentee ballots early, no result shall
14 be released until after the closing of the polls in that
15 county on election day. Any supervisor of elections, deputy
16 supervisor of elections, canvassing board member, election
17 board member, or election employee who releases the results of
18 a canvassing or processing of absentee ballots prior to the
19 closing of the polls in that county on election day commits a
20 felony of the third degree, punishable as provided in s.
21 775.082, s. 775.083, or s. 775.084.

22 (b) To ensure that all absentee ballots to be counted
23 by the canvassing board are accounted for, the canvassing
24 board shall compare the number of ballots in its possession
25 with the number of requests for ballots received to be counted
26 according to the supervisor's file or list.

27 (c)1. The canvassing board shall, if the supervisor
28 has not already done so, compare the signature of the elector
29 on the voter's certificate with the signature of the elector
30 in the registration books to see that the elector is duly
31 registered in the county and to determine the legality of that

Bill No. SB 958

Barcode 324446

582-2032D-07

1 absentee ballot. ~~Effective July 1, 2005,~~ The ballot of an
2 elector who casts an absentee ballot shall be counted even if
3 the elector dies on or before election day, as long as, prior
4 to the death of the voter, the ballot was postmarked by the
5 United States Postal Service, date-stamped with a verifiable
6 tracking number by common carrier, or already in the
7 possession of the supervisor of elections. An absentee ballot
8 shall be considered illegal if it does not include the
9 signature of the elector, as shown by the registration
10 records. However, an absentee ballot shall not be considered
11 illegal if the signature of the elector does not cross the
12 seal of the mailing envelope. If the canvassing board
13 determines that any ballot is illegal, a member of the board
14 shall, without opening the envelope, mark across the face of
15 the envelope: "rejected as illegal." The envelope and the
16 ballot contained therein shall be preserved in the manner that
17 official ballots voted are preserved.

18 2. If any elector or candidate present believes that
19 an absentee ballot is illegal due to a defect apparent on the
20 voter's certificate, he or she may, at any time before the
21 ballot is removed from the envelope, file with the canvassing
22 board a protest against the canvass of that ballot, specifying
23 the precinct, the ballot, and the reason he or she believes
24 the ballot to be illegal. A challenge based upon a defect in
25 the voter's certificate may not be accepted after the ballot
26 has been removed from the mailing envelope.

27 (d) The canvassing board shall record the ballot upon
28 the proper record, unless the ballot has been previously
29 recorded by the supervisor. The mailing envelopes shall be
30 opened and the secrecy envelopes shall be mixed so as to make
31 it impossible to determine which secrecy envelope came out of

Bill No. SB 958

Barcode 324446

582-2032D-07

1 which signed mailing envelope; however, in any county in which
2 an electronic or electromechanical voting system is used, the
3 ballots may be sorted by ballot styles and the mailing
4 envelopes may be opened and the secrecy envelopes mixed
5 separately for each ballot style. The votes on absentee
6 ballots shall be included in the total vote of the county.

7 Section 24. Subsection (2) of section 101.733, Florida
8 Statutes, is amended and subsection (4) is added to that
9 section, to read:

10 101.733 Election emergency; purpose; elections
11 emergency contingency plan.--Because of the existing and
12 continuing possibility of an emergency or common disaster
13 occurring before or during a regularly scheduled or special
14 election, and in order to ensure maximum citizen participation
15 in the electoral process and provide a safe and orderly
16 procedure for persons seeking to exercise their right to vote,
17 generally to minimize to whatever degree possible a person's
18 exposure to danger during declared states of emergency, and to
19 protect the integrity of the electoral process, it is hereby
20 found and declared to be necessary to designate a procedure
21 for the emergency suspension or delay and rescheduling of
22 elections.

23 (2) The Governor, upon consultation with the Secretary
24 of State, shall reschedule any election suspended or delayed
25 due to an emergency. The election shall be held within 10 days
26 after the date of the suspended or delayed election or as soon
27 thereafter as is practicable. Notice of the election shall be
28 provided in any reasonable manner, including, where
29 practicable, publication ~~published~~ at least once in a
30 newspaper of general circulation in the affected area and,
31 ~~where practicable,~~ broadcast as a public service announcement

Bill No. SB 958

Barcode 324446

582-2032D-07

1 on radio and television stations at least 1 week prior to the
2 date the election is to be held.

3 (4) Notwithstanding the provisions of s. 101.6102, in
4 lieu of the suspension or delay of an election in cases where
5 the situation warrants it, the Governor may provide for
6 holding the election by mail. The Department of State shall
7 adopt rules to provide for the timelines and procedures when
8 an emergency exists for which the Governor has called an
9 all-mail ballot election.

10 Section 25. Subsection (7) of section 102.014, Florida
11 Statutes, is amended to read:

12 102.014 Poll worker recruitment and training.--

13 (7) The Department of State shall develop a mandatory,
14 statewide, and uniform program for training poll workers on
15 issues of etiquette and sensitivity with respect to voters
16 having a disability. ~~The program must consist of approximately~~
17 ~~1 hour of the required number of hours set forth in paragraph~~
18 ~~(4)(a).~~ The program must be conducted locally by each
19 supervisor of elections, who shall periodically certify to the
20 Department of State whether each poll worker has completed the
21 program prior to working during the election cycle. The
22 supervisor of elections shall contract with a recognized
23 disability-related organization, such as a center for
24 independent living, family network on disabilities, deaf
25 service bureau, or other such organization, to develop and
26 assist with training the trainers in the disability
27 sensitivity programs. The program must include actual
28 demonstrations of obstacles confronted by disabled persons
29 during the voting process, including obtaining access to the
30 polling place, traveling through the polling area, and using
31 the voting system.

Bill No. SB 958

Barcode 324446

582-2032D-07

1 Section 26. Subsection (2) of section 102.112, Florida
2 Statutes, is amended to read:

3 102.112 Deadline for submission of county returns to
4 the Department of State.--

5 (2) Returns must be filed by 5 p.m. on the 7th day
6 following a primary election and by noon ~~5 p.m.~~ on the 12th
7 ~~11th~~ day following the general election. However, the
8 Department of State may correct typographical errors,
9 including the transposition of numbers, in any returns
10 submitted to the Department of State pursuant to s.
11 102.111(1).

12 Section 27. Present subsections (4) through (9) of
13 section 102.141, Florida Statutes, are renumbered as
14 subsections (5) through (10), respectively, present
15 subsections (4) and (6) of that section are amended, and a new
16 subsection (4) is added to that section to read:

17 102.141 County canvassing board; duties.--

18 (4) The canvassing board shall submit preliminary
19 returns on election night to the Department of State in a
20 format provided by the department.

21 ~~(5)(4)~~ The canvassing board shall submit on forms or
22 in formats provided by the division unofficial returns to the
23 Department of State for each federal, statewide, state, or
24 multicounty office or ballot measure no later than noon on the
25 third day after any primary election and no later than noon on
26 the fourth ~~fifth~~ day after any general or other election. Such
27 returns shall include the canvass of all ballots as required
28 by subsection (2), ~~except for provisional ballots, which~~
29 ~~returns shall be reported at the time required for official~~
30 ~~returns pursuant to s. 102.112(2).~~

31 ~~(7)(6)~~ If the unofficial returns reflect that a

582-2032D-07

1 candidate for any office was defeated or eliminated by
 2 one-half of a percent or less of the votes cast for such
 3 office, that a candidate for retention to a judicial office
 4 was retained or not retained by one-half of a percent or less
 5 of the votes cast on the question of retention, or that a
 6 measure appearing on the ballot was approved or rejected by
 7 one-half of a percent or less of the votes cast on such
 8 measure, the board responsible for certifying the results of
 9 the vote on such race or measure shall order a recount of the
 10 votes cast with respect to such office or measure. The
 11 Elections Canvassing Commission is the board responsible for
 12 ordering federal, state, and multicounty recounts. A recount
 13 need not be ordered with respect to the returns for any
 14 office, however, if the candidate or candidates defeated or
 15 eliminated from contention for such office by one-half of a
 16 percent or less of the votes cast for such office request in
 17 writing that a recount not be made.

18 (a) Each canvassing board responsible for conducting a
 19 recount shall put each marksense ballot through automatic
 20 tabulating equipment and determine whether the returns
 21 correctly reflect the votes cast. If any marksense ballot is
 22 physically damaged so that it cannot be properly counted by
 23 the automatic tabulating equipment during the recount, a true
 24 duplicate shall be made of the damaged ballot pursuant to the
 25 procedures in s. 101.5614(5). Immediately before the start of
 26 the recount, a test of the tabulating equipment shall be
 27 conducted as provided in s. 101.5612. If the test indicates no
 28 error, the recount tabulation of the ballots cast shall be
 29 presumed correct and such votes shall be canvassed
 30 accordingly. If an error is detected, the cause therefor shall
 31 be ascertained and corrected and the recount repeated, as

Bill No. SB 958

Barcode 324446

582-2032D-07

1 necessary. The canvassing board shall immediately report the
2 error, along with the cause of the error and the corrective
3 measures being taken, to the Department of State. No later
4 than 11 days after the election, the canvassing board shall
5 file a separate incident report with the Department of State,
6 detailing the resolution of the matter and identifying any
7 measures that will avoid a future recurrence of the error.

8 (b) Each canvassing board responsible for conducting a
9 recount where touchscreen ballots were used shall examine the
10 counters on the precinct tabulators to ensure that the total
11 of the returns on the precinct tabulators equals the overall
12 election return. If there is a discrepancy between the overall
13 election return and the counters of the precinct tabulators,
14 the counters of the precinct tabulators shall be presumed
15 correct and such votes shall be canvassed accordingly.

16 (c) The canvassing board shall submit on forms or in
17 formats provided by the division a second set of unofficial
18 returns to the Department of State for each federal,
19 statewide, state, or multicounty office or ballot measure no
20 later than 3 p.m. on the fifth day after any primary election
21 and no later than 3 p.m. on the ninth ~~eighth~~ day after any
22 general election in which a recount was conducted pursuant to
23 this subsection. If the canvassing board is unable to complete
24 the recount prescribed in this subsection by the deadline, the
25 second set of unofficial returns submitted by the canvassing
26 board shall be identical to the initial unofficial returns and
27 the submission shall also include a detailed explanation of
28 why it was unable to timely complete the recount. However, the
29 canvassing board shall complete the recount prescribed in this
30 subsection, along with any manual recount prescribed in s.

31 102.166, and certify election returns in accordance with the

Bill No. SB 958

Barcode 324446

582-2032D-07

1 requirements of this chapter.

2 (d) The Department of State shall adopt detailed rules
3 prescribing additional recount procedures for each certified
4 voting system, which shall be uniform to the extent
5 practicable.

6 Section 28. Paragraph (b) of subsection (5) of section
7 102.166, Florida Statutes, is amended to read:

8 102.166 Manual recounts.--

9 (5) Procedures for a manual recount are as follows:

10 (b) Each duplicate ballot prepared pursuant to s.
11 101.5614(5) or s. 102.141(7) ~~s. 102.141(6)~~ shall be compared
12 with the original ballot to ensure the correctness of the
13 duplicate.

14 Section 29. Section 103.022, Florida Statutes, is
15 amended to read:

16 103.022 Write-in candidates for President and Vice
17 President.--Persons seeking to qualify for election as
18 write-in candidates for President and Vice President of the
19 United States may have a blank space provided on the general
20 election ballot for their names to be written in by filing an
21 oath with the Department of State on or before September 1st
22 ~~at any time after the 57th day, but before noon of the 49th~~
23 ~~day, prior to the date of the primary election~~ in the year in
24 which a presidential election is held. The Department of State
25 shall prescribe the form to be used in administering the oath.
26 The candidates shall file with the department on or before
27 September 1st in the presidential election year a certificate
28 naming the required number of persons to serve as electors.
29 Such write-in candidates shall not be entitled to have their
30 names on the ballot.

31 Section 30. Section 103.085, Florida Statutes, is

582-2032D-07

1 created to read:

2 103.085 Minor political parties.--Any group of
3 citizens organized for the general purposes of electing to
4 office qualified persons and determining public issues under
5 the democratic processes of the United States may become a
6 minor political party of this state by filing with the
7 department a certificate showing the name of the organization,
8 the names of its current officers, including the members of
9 its executive committee, and a copy of its constitution or
10 bylaws. It shall be the duty of the minor political party to
11 notify the department of any changes in the filing certificate
12 within 5 days of such changes. The Division of Elections may
13 adopt rules to prescribe the manner in which a minor political
14 party's registration may be canceled for failure to file
15 reports or information required pursuant to the Florida
16 Election Code. Such rules shall, at a minimum, provide for
17 notice that explains the facts and conduct that warrant the
18 intended action.

19 Section 31. Subsection (4) of section 103.091, Florida
20 Statutes, is amended to read:

21 103.091 Political parties.--

22 (4) Any political party other than a minor political
23 party may by rule provide for the membership of its state or
24 county executive committee to be elected for 4-year terms at
25 the primary election in each year a presidential election is
26 held. The terms shall commence on the first day of the month
27 following each presidential general election; but the names of
28 candidates for political party offices shall not be placed on
29 the ballot at any other election. The results of such election
30 shall be determined by a plurality of the votes cast. In such
31 event, electors seeking to qualify for such office shall do so

582-2032D-07

1 with the Department of State or supervisor of elections not
 2 earlier than noon of the 71st ~~57th~~ day, or later than noon of
 3 the 67th ~~53rd~~ day, preceding the primary election. The
 4 outgoing chair of each county executive committee shall,
 5 within 30 days after the committee members take office, hold
 6 an organizational meeting of all newly elected members for the
 7 purpose of electing officers. The chair of each state
 8 executive committee shall, within 60 days after the committee
 9 members take office, hold an organizational meeting of all
 10 newly elected members for the purpose of electing officers.

11 Section 32. Subsection (1) of section 105.031, Florida
 12 Statutes, is amended to read:

13 105.031 Qualification; filing fee; candidate's oath;
 14 items required to be filed.--

15 (1) TIME OF QUALIFYING.--Except for candidates for
 16 judicial office, nonpartisan candidates for multicounty office
 17 shall qualify with the Division of Elections of the Department
 18 of State and nonpartisan candidates for countywide or less
 19 than countywide office shall qualify with the supervisor of
 20 elections. Candidates for judicial office other than the
 21 office of county court judge shall qualify with the Division
 22 of Elections of the Department of State, and candidates for
 23 the office of county court judge shall qualify with the
 24 supervisor of elections of the county. Candidates for judicial
 25 office shall qualify no earlier than noon of the 120th day,
 26 and no later than noon of the 116th day, before the primary
 27 election. Candidates for the office of school board member
 28 shall qualify no earlier than noon of the 71st ~~50th~~ day, and
 29 no later than noon of the 67th ~~46th~~ day, before the primary
 30 election. Filing shall be on forms provided for that purpose
 31 by the Division of Elections and furnished by the appropriate

582-2032D-07

1 ~~qualifying officer. Any person seeking to qualify by the~~
 2 ~~petition process, as set forth in s. 105.035, who has~~
 3 ~~submitted the necessary petitions by the required deadline and~~
 4 ~~is notified after the fifth day prior to the last day for~~
 5 ~~qualifying that the required number of signatures has been~~
 6 ~~obtained, shall be entitled to subscribe to the candidate's~~
 7 ~~oath and file the qualifying papers at any time within 5 days~~
 8 ~~from the date he or she is notified that the necessary number~~
 9 ~~of signatures has been obtained.~~ Any person other than a
 10 write-in candidate who qualifies within the time prescribed in
 11 this subsection shall be entitled to have his or her name
 12 printed on the ballot.

13 Section 33. Subsection (1) of section 106.07, Florida
 14 Statutes, is amended to read:

15 106.07 Reports; certification and filing.--

16 (1) Each campaign treasurer designated by a candidate
 17 or political committee pursuant to s. 106.021 shall file
 18 regular reports of all contributions received, and all
 19 expenditures made, by or on behalf of such candidate or
 20 political committee. Reports shall be filed on the 10th day
 21 following the end of each calendar quarter from the time the
 22 campaign treasurer is appointed, except that, if the 10th day
 23 following the end of a calendar quarter occurs on a Saturday,
 24 Sunday, or legal holiday, the report shall be filed on the
 25 next following day which is not a Saturday, Sunday, or legal
 26 holiday. Quarterly reports shall include all contributions
 27 received and expenditures made during the calendar quarter
 28 which have not otherwise been reported pursuant to this
 29 section.

30 (a) ~~Except as provided in paragraph (b),~~ Following the
 31 last day of qualifying for office, the reports shall also be

Bill No. SB 958

Barcode 324446

582-2032D-07

1 filed on the 32nd, 18th, and 4th days immediately preceding
2 the primary ~~and on the 46th, 32nd, 18th, and 4th days~~
3 ~~immediately preceding the election,~~ for a candidate who is
4 opposed in seeking nomination or election to any office, for a
5 political committee, or for a committee of continuous
6 existence. Following the primary, reports shall be filed on
7 the 46th, 32nd, 18th, and 4th days immediately preceding the
8 general election for a candidate who is opposed in seeking
9 election to any office, for a political committee, or for a
10 committee of continuous existence.

11 (b) In addition ~~Following the last day of qualifying~~
12 ~~for office,~~ any statewide candidate who has requested to
13 receive contributions from the Election Campaign Financing
14 Trust Fund or any statewide candidate in a race with a
15 candidate who has requested to receive contributions from the
16 trust fund shall file reports on the ~~4th, 11th, and 18th,~~
17 ~~25th, and 32nd~~ days prior to the primary election, and on the
18 ~~4th, 11th, 18th, 25th, 32nd, 39th, 46th,~~ and 53rd days prior
19 to the general election.

20 (c) Following the last day of qualifying for office,
21 any unopposed candidate need only file a report within 90 days
22 after the date such candidate became unopposed. Such report
23 shall contain all previously unreported contributions and
24 expenditures as required by this section and shall reflect
25 disposition of funds as required by s. 106.141.

26 (d)1. When a special election is called to fill a
27 vacancy in office, all political committees and committees of
28 continuous existence making contributions or expenditures to
29 influence the results of such special election shall file
30 campaign treasurers' reports with the filing officer on the
31 dates set by the Department of State pursuant to s. 100.111.

Bill No. SB 958

Barcode 324446

582-2032D-07

1 2. When an election is called for an issue to appear
2 on the ballot at a time when no candidates are scheduled to
3 appear on the ballot, all political committees making
4 contributions or expenditures in support of or in opposition
5 to such issue shall file reports on the 18th and 4th days
6 prior to such election.

7 (e) The filing officer shall provide each candidate
8 with a schedule designating the beginning and end of reporting
9 periods as well as the corresponding designated due dates.

10 Section 34. Subsection (4) of section 106.35, Florida
11 Statutes, is amended to read:

12 106.35 Distribution of funds.--

13 (4) Distribution of funds shall be made beginning on
14 the 32nd day prior to the primary ~~within 7 days after the~~
15 ~~close of qualifying~~ and every 7 days thereafter.

16 Section 35. Section 112.51, Florida Statutes, is
17 amended to read:

18 112.51 Municipal officers; suspension; removal from
19 office.--

20 (1) By executive order stating the grounds for the
21 suspension and filed with the Secretary of State, the Governor
22 may suspend from office any elected or appointed municipal
23 official for malfeasance, misfeasance, neglect of duty,
24 habitual drunkenness, incompetence, or permanent inability to
25 perform official duties.

26 (2) Whenever any elected or appointed municipal
27 official is arrested for a felony or for a misdemeanor related
28 to the duties of office or is indicted or informed against for
29 the commission of a federal felony or misdemeanor or state
30 felony or misdemeanor, the Governor has the power to suspend
31 such municipal official from office.

582-2032D-07

1 (3) The suspension of such official by the Governor
2 creates a temporary vacancy in such office during the
3 suspension. Any temporary vacancy in office created by
4 suspension of an official under the provisions of this section
5 shall be filled by a temporary appointment to such office for
6 the period of the suspension. Such temporary appointment
7 shall be made in the same manner and by the same authority by
8 which a permanent vacancy in such office is filled as provided
9 by law. If no provision for filling a permanent vacancy in
10 such office is provided by law, the temporary appointment
11 shall be made by the Governor.

12 (4) No municipal official who has been suspended from
13 office under this section may perform any official act, duty,
14 or function during his or her suspension; receive any pay or
15 allowance during his or her suspension; or be entitled to any
16 of the emoluments or privileges of his or her office during
17 suspension.

18 (5) If the municipal official is convicted of any of
19 the charges contained in the indictment or information by
20 reason of which he or she was suspended under the provisions
21 of this section, the Governor shall remove such municipal
22 official from office. If a person was selected to fill the
23 temporary vacancy pursuant to subsection (3), that person
24 shall serve the remaining balance, if any, of the removed
25 official's term of office. Otherwise, any vacancy created by
26 the removal shall be filled as provided by law. For the
27 purposes of this section, any person who pleads guilty or nolo
28 contendere or who is found guilty shall be deemed to have been
29 convicted, notwithstanding a suspension of sentence or a
30 withholding of adjudication.

31 (6) If the municipal official is acquitted or found

582-2032D-07

1 not guilty or is otherwise cleared of the charges which were
 2 the basis of the arrest, indictment, or information by reason
 3 of which he or she was suspended under the provisions of this
 4 section, then the Governor shall forthwith revoke the
 5 suspension and restore such municipal official to office; and
 6 the official shall be entitled to and be paid full back pay
 7 and such other emoluments or allowances to which he or she
 8 would have been entitled for the full period of time of the
 9 suspension. If, during the suspension, the term of office of
 10 the municipal official expires and a successor is either
 11 appointed or elected, such back pay, emoluments, or allowances
 12 shall only be paid for the duration of the term of office
 13 during which the municipal official was suspended under the
 14 provisions of this section, and he or she shall not be
 15 reinstated.

16 Section 36. Subsections (2) and (3) of section
 17 189.405, Florida Statutes, are amended to read:

18 189.405 Elections; general requirements and
 19 procedures; education programs.--

20 (2)(a) Any independent special district located
 21 entirely in a single county may provide for the conduct of
 22 district elections by the supervisor of elections for that
 23 county. Any independent special district that conducts its
 24 elections through the office of the supervisor shall make
 25 election procedures consistent with the Florida Election Code.

26 (b) Any independent special district not conducting
 27 district elections through the supervisor of elections shall
 28 report to the supervisor in a timely manner the purpose, date,
 29 authorization, procedures, and results of each election
 30 conducted by the district.

31 (c) A candidate for a position on a governing board of

Bill No. SB 958

Barcode 324446

582-2032D-07

1 a single-county special district that has its elections
2 conducted by the supervisor of elections shall qualify for the
3 office with the county supervisor of elections in whose
4 jurisdiction the district is located. Elections for governing
5 board members elected by registered electors shall be
6 nonpartisan, except when partisan elections are specified by a
7 district's charter. Candidates shall qualify as directed by
8 chapter 99. ~~by paying a filing fee equal to 3 percent of the~~
9 ~~salary or honorarium paid for the office, or a filing fee of~~
10 ~~\$25, whichever is more. Alternatively, candidates may qualify~~
11 ~~by submitting a petition that contains the signatures of at~~
12 ~~least 3 percent of the district's registered electors, or any~~
13 ~~lesser amount of signatures directed by chapter 99, chapter~~
14 ~~582, or other general or special law. No election or party~~
15 ~~assessment shall be levied if the election is nonpartisan. The~~
16 ~~qualifying fee shall be remitted to the general revenue fund~~
17 ~~of the qualifying officer to help defray the cost of the~~
18 ~~election. The petition form shall be submitted and checked in~~
19 ~~the same manner as those for nonpartisan judicial candidates~~
20 ~~pursuant to s. 105.035.~~

21 (3)(a) If a multicounty special district has a
22 popularly elected governing board, elections for the purpose
23 of electing members to such board shall conform to the Florida
24 Election Code, chapters 97-106.

25 (b) With the exception of those districts conducting
26 elections on a one-acre/one-vote basis, qualifying for
27 multicounty special district governing board positions shall
28 be coordinated by the Department of State. Elections for
29 governing board members elected by registered electors shall
30 be nonpartisan, except when partisan elections are specified
31 by a district's charter. Candidates shall qualify as directed

582-2032D-07

1 ~~by chapter 99. by paying a filing fee equal to 3 percent of~~
 2 ~~the salary or honorarium paid for the office, or a filing fee~~
 3 ~~of \$25, whichever is more. Alternatively, candidates may~~
 4 ~~qualify by submitting a petition that contains the signatures~~
 5 ~~of at least 3 percent of the district's registered electors,~~
 6 ~~or any lesser amount of signatures directed by chapter 99,~~
 7 ~~chapter 582, or other general or special law. No election or~~
 8 ~~party assessment shall be levied if the election is~~
 9 ~~nonpartisan.~~ The qualifying fee shall be remitted to the
 10 Department of State. ~~The petition form shall be submitted and~~
 11 ~~checked in the same manner as those for nonpartisan judicial~~
 12 ~~candidates pursuant to s. 105.035.~~

13 Section 37. Paragraph (a) of subsection (1) of section
 14 191.005, Florida Statutes, is amended to read:

15 191.005 District boards of commissioners; membership,
 16 officers, meetings.--

17 (1)(a) With the exception of districts whose governing
 18 boards are appointed collectively by the Governor, the county
 19 commission, and any cooperating city within the county, the
 20 business affairs of each district shall be conducted and
 21 administered by a five-member board. All three-member boards
 22 existing on the effective date of this act shall be converted
 23 to five-member boards, except those permitted to continue as a
 24 three-member board by special act adopted in 1997 or
 25 thereafter. The board shall be elected in nonpartisan
 26 elections by the electors of the district. Except as provided
 27 in this act, such elections shall be held at the time and in
 28 the manner prescribed by law for holding general elections in
 29 accordance with s. 189.405(2)(a) and (3), and each member
 30 shall be elected for a term of 4 years and serve until the
 31 member's successor assumes office. Candidates for the board of

Bill No. SB 958

Barcode 324446

582-2032D-07

1 a district shall qualify as directed by chapter 99. ~~with the~~
2 ~~county supervisor of elections in whose jurisdiction the~~
3 ~~district is located. If the district is a multicounty~~
4 ~~district, candidates shall qualify with the Department of~~
5 ~~State. All candidates may qualify by paying a filing fee of~~
6 ~~\$25 or by obtaining the signatures of at least 25 registered~~
7 ~~electors of the district on petition forms provided by the~~
8 ~~supervisor of elections which petitions shall be submitted and~~
9 ~~checked in the same manner as petitions filed by nonpartisan~~
10 ~~judicial candidates pursuant to s. 105.035. Notwithstanding s.~~
11 ~~106.021, a candidate who does not collect contributions and~~
12 ~~whose only expense is the filing fee is not required to~~
13 ~~appoint a campaign treasurer or designate a primary campaign~~
14 ~~depository.~~

15 Section 38. Paragraph (a) of subsection (1) of section
16 582.18, Florida Statutes, is amended to read:

17 582.18 Election of supervisors of each district.--

18 (1) The election of supervisors for each soil and
19 water conservation district shall be held every 2 years. The
20 elections shall be held at the time of the general election
21 provided for by s. 100.041. The office of the supervisor of a
22 soil and water conservation district is a nonpartisan office,
23 and candidates for such office are prohibited from campaigning
24 or qualifying for election based on party affiliation.

25 (a) Each candidate for supervisor for such district
26 shall qualify as directed by chapter 99. ~~be nominated by~~
27 ~~nominating petition subscribed by 25 or more qualified~~
28 ~~electors of such district. Candidates shall obtain signatures~~
29 ~~on petition forms prescribed by the Department of State and~~
30 ~~furnished by the appropriate qualifying officer. In~~
31 ~~multicounty districts, the appropriate qualifying officer is~~

Bill No. SB 958

Barcode 324446

582-2032D-07

1 ~~the Secretary of State; in single-county districts, the~~
2 ~~appropriate qualifying officer is the supervisor of elections.~~
3 ~~Such forms may be obtained at any time after the first Tuesday~~
4 ~~after the first Monday in January preceding the election, but~~
5 ~~prior to the 21st day preceding the first day of the~~
6 ~~qualifying period for state office. Each petition shall be~~
7 ~~submitted, prior to noon of the 21st day preceding the first~~
8 ~~day of the qualifying period for state office, to the~~
9 ~~supervisor of elections of the county for which such petition~~
10 ~~was circulated. The supervisor of elections shall check the~~
11 ~~signatures on the petition to verify their status as electors~~
12 ~~in the district. Prior to the first date for qualifying, the~~
13 ~~supervisor of elections shall determine whether the required~~
14 ~~single-county signatures have been obtained; and she or he~~
15 ~~shall so notify the candidate. In the case of a multicounty~~
16 ~~candidate, the supervisor of elections shall check the~~
17 ~~signatures on petitions and shall, prior to the first date for~~
18 ~~qualifying for office, certify to the Department of State the~~
19 ~~number shown as registered electors of the district. The~~
20 ~~Department of State shall determine if the required number of~~
21 ~~signatures has been obtained for multicounty candidates and~~
22 ~~shall so notify the candidate. If the required number of~~
23 ~~signatures has been obtained for the name of the candidate to~~
24 ~~be placed on the ballot, the candidate shall, during the time~~
25 ~~prescribed for qualifying for office in s. 99.061, submit a~~
26 ~~copy of the notice to, and file her or his qualification~~
27 ~~papers with, the qualifying officer and take the oath~~
28 ~~prescribed in s. 99.021.~~

29 Section 39. Subsection (1) of section 876.05, Florida
30 Statutes, is amended to read:

31 876.05 Public employees; oath.--

Bill No. SB 958

Barcode 324446

582-2032D-07

1 (1) All persons who now or hereafter are employed by
2 or who now or hereafter are on the payroll of the state, or
3 any of its departments and agencies, subdivisions, counties,
4 cities, school boards and districts of the free public school
5 system of the state or counties, or institutions of higher
6 learning, and all candidates for public office, except
7 candidates for federal office, are required to take an oath
8 before any person duly authorized to take acknowledgments of
9 instruments for public record in the state in the following
10 form:

11

12 I,, a citizen of the State of Florida and of the
13 United States of America, and being employed by or an officer
14 of and a recipient of public funds as such employee or
15 officer, do hereby solemnly swear or affirm that I will
16 support the Constitution of the United States and of the State
17 of Florida.

18

19 Section 40. Section 104.29, Florida Statutes, is
20 repealed.

21 Section 41. Subsection (27) of section 97.021, Florida
22 Statutes, is amended to read:

23 97.021 Definitions.--For the purposes of this code,
24 except where the context clearly indicates otherwise, the
25 term:

26 (27) "Primary election" means an election held
27 preceding the general election for the purpose of nominating a
28 party nominee to be voted for in the general election to fill
29 a national, state, county, or district office. The first
30 primary is a nomination or elimination election and the second
31 primary is a nominating election only.

582-2032D-07

1 Section 42. Subsection (1) of section 97.055, Florida
2 Statutes, is amended to read:

3 97.055 Registration books; when closed for an
4 election.--

5 (1) The registration books must be closed on the 29th
6 day before each election and must remain closed until after
7 that election. If an election is called and there are fewer
8 than 29 days before that election, the registration books must
9 be closed immediately. When the registration books are closed
10 for an election, updates to a voter's name, address, and
11 signature pursuant to ss. 98.077 and 101.045 shall be the only
12 changes permitted for purposes of the upcoming election. Voter
13 registration applications and party changes must be accepted
14 but only for the purpose of subsequent elections. However,
15 party changes received between the book-closing date of the
16 first primary election and the date of the second primary
17 election are not effective until after the second primary
18 election.

19 Section 43. Subsection (3) of section 97.071, Florida
20 Statutes, is amended to read:

21 97.071 Voter information card.--

22 (3) In the case of a change of name, address, or party
23 affiliation, the supervisor shall issue the voter a new voter
24 information card. However, a voter information card indicating
25 a party affiliation change made between the book-closing date
26 for the first primary election and the date of the second
27 primary election may not be issued until after the second
28 primary election.

29 Section 44. Subsection (3) of section 97.1031, Florida
30 Statutes, is amended to read:

31 97.1031 Notice of change of residence, change of name,

582-2032D-07

1 or change of party affiliation.--

2 (3) The voter registration official shall make the
3 necessary changes in the elector's records as soon as
4 practicable ~~practical~~ upon receipt of such notice of a change
5 of address of legal residence, name, or party affiliation or
6 as otherwise provided in s. 97.055(1). The supervisor of
7 elections shall issue the new voter information card, subject
8 to the issuance restriction in s. 97.071(3).

9 Section 45. Section 98.081, Florida Statutes, is
10 amended to read:

11 98.081 Names removed from the statewide voter
12 registration system; restrictions on reregistering;
13 recordkeeping; restoration of erroneously or illegally removed
14 names.--

15 (1) Any person who requested that his or her name be
16 removed from the registration books between the book-closing
17 date of the first primary and the date of the second primary
18 may not register in a different political party until after
19 the date of the second primary election.

20 (2)(1) When the name of any elector is removed from
21 the statewide voter registration system pursuant to s. 98.065
22 or s. 98.075, the elector's original registration application
23 shall be retained by the supervisor of elections having
24 custody of the application. As alternatives, registrations
25 removed from the statewide voter registration system may be
26 microfilmed and such microfilms substituted for the original
27 registration applications; or, when voter registration
28 information, including the voter's signature, is maintained
29 digitally or on electronic, magnetic, or optic media, such
30 stored information may be substituted for the original
31 registration application. Such microfilms or stored

Bill No. SB 958

Barcode 324446

582-2032D-07

1 information shall be retained by the supervisor of elections
2 having custody. In the event the original registration
3 applications are microfilmed or maintained digitally or on
4 electronic or other media, such originals may be destroyed in
5 accordance with the schedule approved by the Bureau of
6 Archives and Records Management of the Division of Library and
7 Information Services of the department.

8 ~~(3)(2)~~ When the name of any elector has been
9 erroneously or illegally removed from the statewide voter
10 registration system, the name of the elector shall be restored
11 by a voter registration official upon satisfactory proof, even
12 though the registration period for that election is closed.

13 Section 46. Subsections (1), (2), and (9) of section
14 99.061, Florida Statutes, are amended to read:

15 99.061 Method of qualifying for nomination or election
16 to federal, state, county, or district office.--

17 (1) The provisions of any special act to the contrary
18 notwithstanding, each person seeking to qualify for nomination
19 or election to a federal, state, or multicounty district
20 office, other than election to a judicial office as defined in
21 chapter 105 or the office of school board member, shall file
22 his or her qualification papers with, and pay the qualifying
23 fee, which shall consist of the filing fee and election
24 assessment, and party assessment, if any has been levied, to,
25 the Department of State, or qualify by the petition process
26 pursuant to s. 99.095 with the Department of State, at any
27 time after noon of the 1st day for qualifying, which shall be
28 as follows: the 120th day prior to the first primary election,
29 but not later than noon of the 116th day prior to the date of
30 the first primary election, for persons seeking to qualify for
31 nomination or election to federal office or to the office of

Bill No. SB 958

Barcode 324446

582-2032D-07

1 the state attorney or the public defender; and noon of the
2 50th day prior to the first primary election, but not later
3 than noon of the 46th day prior to the date of the first
4 primary election, for persons seeking to qualify for
5 nomination or election to a state or multicounty district
6 office, other than the office of the state attorney or the
7 public defender.

8 (2) The provisions of any special act to the contrary
9 notwithstanding, each person seeking to qualify for nomination
10 or election to a county office, or district or special
11 district office not covered by subsection (1), shall file his
12 or her qualification papers with, and pay the qualifying fee,
13 which shall consist of the filing fee and election assessment,
14 and party assessment, if any has been levied, to, the
15 supervisor of elections of the county, or shall qualify by the
16 petition process pursuant to s. 99.095 with the supervisor of
17 elections, at any time after noon of the 1st day for
18 qualifying, which shall be the 50th day prior to the first
19 primary election or special district election, but not later
20 than noon of the 46th day prior to the date of the first
21 primary election or special district election. However, if a
22 special district election is held at the same time as the
23 second primary or general election, qualifying shall be the
24 50th day prior to the first primary election, but not later
25 than noon of the 46th day prior to the date of the first
26 primary election. Within 30 days after the closing of
27 qualifying time, the supervisor of elections shall remit to
28 the secretary of the state executive committee of the
29 political party to which the candidate belongs the amount of
30 the filing fee, two-thirds of which shall be used to promote
31 the candidacy of candidates for county offices and the

582-2032D-07

1 candidacy of members of the Legislature.

2 (9) Notwithstanding the qualifying period prescribed
3 by this section, in each year in which the Legislature
4 apportions the state, the qualifying period for persons
5 seeking to qualify for nomination or election to federal
6 office shall be between noon of the 57th day prior to the
7 first primary election, but not later than noon of the 53rd
8 day prior to the first primary election.

9 Section 47. Subsections (1), (2), and (4) of section
10 99.063, Florida Statutes, are amended to read:

11 99.063 Candidates for Governor and Lieutenant
12 Governor.--

13 (1) No later than 5 p.m. of the 9th day following the
14 second primary election, each candidate for Governor shall
15 designate a Lieutenant Governor as a running mate. Such
16 designation must be made in writing to the Department of
17 State.

18 (2) No later than 5 p.m. of the 9th day following the
19 second primary election, each designated candidate for
20 Lieutenant Governor shall file with the Department of State:

21 (a) The candidate's oath required by s. 99.021, which
22 must contain the name of the candidate as it is to appear on
23 the ballot; the office sought; and the signature of the
24 candidate, duly acknowledged.

25 (b) The loyalty oath required by s. 876.05, signed by
26 the candidate and duly acknowledged.

27 (c) If the office sought is partisan, the written
28 statement of political party affiliation required by s.
29 99.021(1)(b).

30 (d) The full and public disclosure of financial
31 interests pursuant to s. 8, Art. II of the State Constitution.

582-2032D-07

1 A public officer who has filed the full and public disclosure
2 with the Commission on Ethics prior to qualifying for office
3 may file a copy of that disclosure at the time of qualifying.

4 (4) In order to have the name of the candidate for
5 Lieutenant Governor printed on the first or second primary
6 election ballot, a candidate for Governor participating in the
7 primary must designate the candidate for Lieutenant Governor,
8 and the designated candidate must qualify no later than the
9 end of the qualifying period specified in s. 99.061. If the
10 candidate for Lieutenant Governor has not been designated and
11 has not qualified by the end of the qualifying period
12 specified in s. 99.061, the phrase "Not Yet Designated" must
13 be included in lieu of the candidate's name on ~~the~~ primary
14 election ballots and on advance absentee ballots for the
15 general election ~~ballot~~.

16 Section 48. Section 99.103, Florida Statutes, is
17 amended to read:

18 99.103 Department of State to remit part of filing
19 fees and party assessments of candidates to state executive
20 committee.--

21 (1) If more than three-fourths of the full authorized
22 membership of the state executive committee of any party was
23 elected at the last previous election for such members and if
24 such party is declared by the Department of State to have
25 recorded on the registration books of the counties, as of the
26 first Tuesday after the first Monday in January prior to the
27 first primary election in general election years, 5 percent of
28 the total registration of such counties when added together,
29 such committee shall receive, for the purpose of meeting its
30 expenses, all filing fees collected by the Department of State
31 from its candidates less an amount equal to 15 percent of the

Bill No. SB 958

Barcode 324446

582-2032D-07

1 filing fees, which amount the Department of State shall
2 deposit in the General Revenue Fund of the state.

3 (2) Not later than 20 days after the close of
4 qualifying in even-numbered years, the Department of State
5 shall remit 95 percent of all filing fees, less the amount
6 deposited in general revenue pursuant to subsection (1), or
7 party assessments that may have been collected by the
8 department to the respective state executive committees of the
9 parties complying with subsection (1). Party assessments
10 collected by the Department of State shall be remitted to the
11 appropriate state executive committee, irrespective of other
12 requirements of this section, provided such committee is duly
13 organized under the provisions of chapter 103. The remainder
14 of filing fees or party assessments collected by the
15 Department of State shall be remitted to the appropriate state
16 executive committees not later than the date of the first
17 primary election.

18 Section 49. Section 100.061, Florida Statutes, is
19 amended to read:

20 100.061 First primary election.--In each year in which
21 a general election is held, a first primary election for
22 nomination of candidates of political parties shall be held on
23 the Tuesday 9 weeks prior to the general election. ~~Each~~ The
24 candidate receiving a majority ~~the highest number~~ of the votes
25 cast in each contest in the first primary election shall be
26 declared nominated for such office. A second primary election
27 shall be held as provided by s. 100.092 in every contest in
28 which a candidate does not receive a majority. ~~If two or more~~
29 ~~candidates receive an equal and highest number of votes for~~
30 ~~the same office, such candidates shall draw lots to determine~~
31 ~~which candidate is nominated.~~

Bill No. SB 958

Barcode 324446

582-2032D-07

1 Section 50. Section 100.081, Florida Statutes, is
2 amended to read:

3 100.081 Conducting primary elections; nomination of
4 county commissioners at primary election.--The primary
5 elections ~~election~~ shall provide for the nomination of county
6 commissioners by the qualified electors of such county at the
7 time and place set for voting on other county officers.

8 Section 51. Section 100.092, Florida Statutes, is
9 created to read:

10 100.092 Second primary election.--

11 (1) In each year in which a general election is held,
12 a second primary election for nomination of candidates of
13 political parties where nominations were not made in the first
14 primary election shall be held on the Tuesday 5 weeks prior to
15 the general election.

16 (2) The names of the candidates placing first and
17 second in the first primary election shall be placed on the
18 ballot in the second primary election for each contest in
19 which no candidate receives a majority of the votes cast in
20 the first primary election, subject to the following
21 exceptions:

22 (a) In any contest in which there is a tie for first
23 place in the first primary election, only the names of the
24 candidates so tying shall be placed on the ballot in the
25 second primary election.

26 (b) In any contest in which there is a tie for second
27 place in the first primary election and the candidate placing
28 first did not receive a majority of the votes cast, the name
29 of the candidate placing first and the names of the candidates
30 tying for second shall be placed on the ballot in the second
31 primary election.

582-2032D-07

1 (3) The candidate who receives the highest number of
 2 votes cast for the office in the second primary election shall
 3 be declared nominated. If two or more persons receive an equal
 4 and highest number of votes for the same office in the second
 5 primary, such persons shall draw lots to determine who will
 6 receive the nomination.

7 Section 52. Section 100.097, Florida Statutes, is
 8 created to read:

9 100.097 Special election at second primary
 10 election.--Notwithstanding the provision of any local law, a
 11 special election which is required by local law to be held on
 12 the third Tuesday after the first primary election provided
 13 for in s. 100.061 may be held in conjunction with the second
 14 primary election on the date provided by general law for the
 15 second primary election.

16 Section 53. Subsections (1), (3) and (4), of section
 17 100.111, Florida Statutes, are amended to read:

18 100.111 Filling vacancy.--

19 (1)(a) If any vacancy occurs in any office which is
 20 required to be filled pursuant to s. 1(f), Art. IV of the
 21 State Constitution and the remainder of the term of such
 22 office is 28 months or longer, then at the next general
 23 election a person shall be elected to fill the unexpired
 24 portion of such term, commencing on the first Tuesday after
 25 the first Monday following such general election.

26 (b) If such a vacancy occurs prior to the first day
 27 set by law for qualifying for election to office at such
 28 general election, any person seeking nomination or election to
 29 the unexpired portion of the term shall qualify within the
 30 time prescribed by law for qualifying for other offices to be
 31 filled by election at such general election.

Bill No. SB 958

Barcode 324446

582-2032D-07

1 (c) If such a vacancy occurs prior to the first
2 primary election but on or after the first day set by law for
3 qualifying, the Secretary of State shall set dates for
4 qualifying for the unexpired portion of the term of such
5 office. Any person seeking nomination or election to the
6 unexpired portion of the term shall qualify within the time
7 set by the Secretary of State. If time does not permit party
8 nominations to be made in conjunction with the first and
9 second primary elections ~~primary election~~, the Governor may
10 call a special primary election, and, if necessary, a second
11 special primary election to select party nominees for the
12 unexpired portion of such term.

13 (3) Whenever there is a vacancy for which a special
14 election is required pursuant to s. 100.101, the Governor,
15 after consultation with the Secretary of State, shall fix the
16 date ~~dates~~ of a special first primary election, and a special
17 second primary election, and a special election. Nominees of
18 political parties other than minor political parties shall be
19 chosen under the primary laws of this state in the special
20 primary elections ~~election~~ to become candidates in the special
21 election. Prior to setting the special election dates, the
22 Governor shall consider any upcoming elections in the
23 jurisdiction where the special election will be held. The
24 dates fixed by the Governor shall be specific days certain and
25 shall not be established by the happening of a condition or
26 stated in the alternative. The dates fixed shall provide a
27 minimum of 2 weeks between each election. In the event a
28 vacancy occurs in the office of state senator or member of the
29 House of Representatives when the Legislature is in regular
30 legislative session, the minimum times prescribed by this
31 subsection may be waived upon concurrence of the Governor, the

Bill No. SB 958

Barcode 324446

582-2032D-07

1 Speaker of the House of Representatives, and the President of
2 the Senate. If a vacancy occurs in the office of state senator
3 and no session of the Legislature is scheduled to be held
4 prior to the next general election, the Governor may fix the
5 dates for any ~~the~~ special primary election and for the special
6 election to coincide with the dates of the first and second
7 primary ~~election~~ and general election. If a vacancy in office
8 occurs in any district in the state Senate or House of
9 Representatives or in any congressional district, and no
10 session of the Legislature, or session of Congress if the
11 vacancy is in a congressional district, is scheduled to be
12 held during the unexpired portion of the term, the Governor is
13 not required to call a special election to fill such vacancy.

14 (a) The dates for candidates to qualify in such
15 special election or special primary election shall be fixed by
16 the Department of State, and candidates shall qualify not
17 later than noon of the last day so fixed. The dates fixed for
18 qualifying shall allow a minimum of 14 days between the last
19 day of qualifying and the special first primary election.

20 (b) The filing of campaign expense statements by
21 candidates in such special elections or special primaries and
22 by committees making contributions or expenditures to
23 influence the results of such special primaries or special
24 elections shall be not later than such dates as shall be fixed
25 by the Department of State, and in fixing such dates the
26 Department of State shall take into consideration and be
27 governed by the practical time limitations.

28 (c) The dates for a candidate to qualify by the
29 petition process pursuant to s. 99.095 in such special primary
30 or special election shall be fixed by the Department of State.
31 In fixing such dates the Department of State shall take into

Bill No. SB 958

Barcode 324446

582-2032D-07

1 consideration and be governed by the practical time
2 limitations. Any candidate seeking to qualify by the petition
3 process in a special primary election shall obtain 25 percent
4 of the signatures required by s. 99.095.

5 (d) The qualifying fees and party assessments of such
6 candidates as may qualify shall be the same as collected for
7 the same office at the last previous primary for that office.
8 The party assessment shall be paid to the appropriate
9 executive committee of the political party to which the
10 candidate belongs.

11 (e) Each county canvassing board shall make as speedy
12 a return of the result of such special primary elections and
13 special elections as time will permit, and the Elections
14 Canvassing Commission likewise shall make as speedy a canvass
15 and declaration of the nominees as time will permit.

16 (4)(a) In the event that death, resignation,
17 withdrawal, removal, or any other cause or event should cause
18 a party to have a vacancy in nomination which leaves no
19 candidate for an office from such party, the Department of
20 State shall notify the chair of the appropriate state,
21 district, or county political party executive committee of
22 such party; and, within 5 days, the chair shall call a meeting
23 of his or her executive committee to consider designation of a
24 nominee to fill the vacancy. The name of any person so
25 designated shall be submitted to the Department of State
26 within 7 days after notice to the chair in order that the
27 person designated may have his or her name on the ballot of
28 the ensuing first primary, second primary, or general
29 election. If the name of the new nominee is submitted after
30 the certification of results of the preceding primary
31 election, however, the ballots shall not be changed and the

Bill No. SB 958

Barcode 324446

582-2032D-07

1 former party nominee's name will appear on the ballot. Any
2 ballots cast for the former party nominee will be counted for
3 the person designated by the political party to replace the
4 former party nominee. If there is no opposition to the party
5 nominee, the person designated by the political party to
6 replace the former party nominee will be elected to office at
7 the general election. For purposes of this paragraph, the term
8 "district political party executive committee" means the
9 members of the state executive committee of a political party
10 from those counties comprising the area involving a district
11 office.

12 (b) When, under the circumstances set forth in the
13 preceding paragraph, vacancies in nomination are required to
14 be filled by committee nominations, such vacancies shall be
15 filled by party rule. In any instance in which a nominee is
16 selected by a committee to fill a vacancy in nomination, such
17 nominee shall pay the same filing fee and take the same oath
18 as the nominee would have taken had he or she regularly
19 qualified for election to such office.

20 (c) Any person who, at the close of qualifying as
21 prescribed in ss. 99.061 and 105.031, was qualified for
22 nomination or election to or retention in a public office to
23 be filled at the ensuing general election is prohibited from
24 qualifying as a candidate to fill a vacancy in nomination for
25 any other office to be filled at that general election, even
26 if such person has withdrawn or been eliminated as a candidate
27 for the original office sought. However, this paragraph does
28 not apply to a candidate for the office of Lieutenant Governor
29 who applies to fill a vacancy in nomination for the office of
30 Governor on the same ticket or to a person who has withdrawn
31 or been eliminated as a candidate and who is subsequently

582-2032D-07

1 designated as a candidate for Lieutenant Governor under s.
2 99.063.

3 Section 54. Subsection (2) of section 100.141, Florida
4 Statutes, is amended to read:

5 100.141 Notice of special election to fill any vacancy
6 in office.--

7 (2) The Department of State shall prepare a notice
8 stating what offices are to be filled in the special election,
9 the date ~~dates~~ set for the special primary election and each
10 ~~the~~ special election, the dates fixed for qualifying for
11 office, the dates fixed for qualifying by the petition process
12 pursuant to s. 99.095, and the dates fixed for filing campaign
13 expense statements.

14 Section 55. Subsection (2) of section 101.252, Florida
15 Statutes, is amended to read:

16 101.252 Candidates entitled to have names printed on
17 certain ballots; exception.--

18 (2) Any candidate for party executive committee member
19 who has qualified as prescribed by law is entitled to have his
20 or her name printed on the first primary election ballot.
21 However, when there is only one candidate of any political
22 party qualified for such an office, the name of the candidate
23 shall not be printed on the first primary election ballot, and
24 such candidate shall be declared elected to the state or
25 county executive committee.

26 Section 56. Subsection (4) of section 101.62, Florida
27 Statutes, is amended to read:

28 101.62 Request for absentee ballots.--

29 (4)(a) To each absent qualified elector overseas who
30 has requested an absentee ballot, the supervisor of elections
31 shall mail an absentee ballot not fewer than 35 days before

Bill No. SB 958

Barcode 324446

582-2032D-07

1 the first primary ~~or general~~ election. Not fewer than 45 days
2 before the second primary and general election, the supervisor
3 of elections shall mail an advance absentee ballot to those
4 persons requesting ballots for such elections. The advance
5 absentee ballot for the second primary shall be the same as
6 the first primary absentee ballot as to the names of
7 candidates, except that for any offices where there are only
8 two candidates those offices and all political party executive
9 committee offices shall be omitted. Except as provided in ss.
10 99.063(4) and 100.371(5), the advance absentee ballot for the
11 general election shall be as specified in s. 101.151, except
12 that in the case of candidates of political parties where
13 nominations were not made in the first primary, the names of
14 the candidates placing first and second in the first primary
15 election shall be printed on the advance absentee ballot. The
16 advance absentee ballot or advance absentee ballot information
17 booklet shall be of a different color for each election and
18 also a different color from the absentee ballots for the first
19 primary, second primary, and general election. The supervisor
20 shall mail an advance absentee ballot for the second primary
21 and general election to each qualified absent elector for whom
22 a request is received until the absentee ballots are printed.
23 The supervisor shall enclose with the advance second primary
24 absentee ballot and advance general election absentee ballot
25 an explanation stating that the absentee ballot for the
26 election will be mailed as soon as it is printed; and, if both
27 the advance absentee ballot and the absentee ballot for the
28 election are returned in time to be counted, only the absentee
29 ballot will be counted. The Department of State may prescribe
30 by rule the requirements for preparing and mailing absentee
31 ballots to absent qualified electors overseas.

582-2032D-07

1 (b) As soon as the remainder of the absentee ballots
 2 are printed, the ~~The~~ supervisor shall provide an absentee
 3 ballot to each elector by whom a request for that ballot has
 4 been made by one of the following means:

5 1. By nonforwardable, return-if-undeliverable mail to
 6 the elector's current mailing address on file with the
 7 supervisor, unless the elector specifies in the request that:

8 a. The elector is absent from the county and does not
 9 plan to return before the day of the election;

10 b. The elector is temporarily unable to occupy the
 11 residence because of hurricane, tornado, flood, fire, or other
 12 emergency or natural disaster; or

13 c. The elector is in a hospital, assisted-living
 14 facility, nursing home, short-term medical or rehabilitation
 15 facility, or correctional facility,

16
 17 in which case the supervisor shall mail the ballot by
 18 nonforwardable, return-if-undeliverable mail to any other
 19 address the elector specifies in the request.

20 2. By forwardable mail to voters who are entitled to
 21 vote by absentee ballot under the Uniformed and Overseas
 22 Citizens Absentee Voting Act.

23 3. By personal delivery before 7 p.m. on election day
 24 to the elector, upon presentation of the identification
 25 required in s. 101.657.

26 4. By delivery to a designee on election day or up to
 27 4 days prior to the day of an election. Any elector may
 28 designate in writing a person to pick up the ballot for the
 29 elector; however, the person designated may not pick up more
 30 than two absentee ballots per election, other than the
 31 designee's own ballot, except that additional ballots may be

Bill No. SB 958

Barcode 324446

582-2032D-07

1 picked up for members of the designee's immediate family. For
 2 purposes of this section, "immediate family" means the
 3 designee's spouse or the parent, child, grandparent, or
 4 sibling of the designee or of the designee's spouse. The
 5 designee shall provide to the supervisor the written
 6 authorization by the elector and a picture identification of
 7 the designee and must complete an affidavit. The designee
 8 shall state in the affidavit that the designee is authorized
 9 by the elector to pick up that ballot and shall indicate if
 10 the elector is a member of the designee's immediate family
 11 and, if so, the relationship. The department shall prescribe
 12 the form of the affidavit. If the supervisor is satisfied that
 13 the designee is authorized to pick up the ballot and that the
 14 signature of the elector on the written authorization matches
 15 the signature of the elector on file, the supervisor shall
 16 give the ballot to that designee for delivery to the elector.

17 Section 57. Subsection (4) of section 102.014, Florida
 18 Statutes, is amended to read:

19 102.014 Poll worker recruitment and training.--

20 (4) Each supervisor of elections shall be responsible
 21 for training inspectors and clerks, subject to the following
 22 minimum requirements:

23 (a) No clerk shall be entitled to work at the polls
 24 unless he or she has had a minimum of 3 hours of training
 25 prior to each election.

26 (b) No inspector shall work at the polls unless he or
 27 she has had a minimum of 2 hours of training prior to each
 28 election.

29 (c) For the purposes of this subsection, the first and
 30 second primary elections shall be considered one election.

31 Section 58. Subsections (3) and (4) of section

Bill No. SB 958

Barcode 324446

582-2032D-07

1 103.021, Florida Statutes, are amended to read:

2 103.021 Nomination for presidential
3 electors.--Candidates for presidential electors shall be
4 nominated in the following manner:

5 (3) Candidates for President and Vice President with
6 no party affiliation may have their names printed on the
7 general election ballots if a petition is signed by 1 percent
8 of the registered electors of this state, as shown by the
9 compilation by the Department of State for the last preceding
10 general election. A separate petition from each county for
11 which signatures are solicited shall be submitted to the
12 supervisor of elections of the respective county no later than
13 July 15 of each presidential election year. The supervisor
14 shall check the names and, on or before the date of the first
15 primary election, shall certify the number shown as registered
16 electors of the county. The supervisor shall be paid by the
17 person requesting the certification the cost of checking the
18 petitions as prescribed in s. 99.097. The supervisor shall
19 then forward the certificate to the Department of State which
20 shall determine whether or not the percentage factor required
21 in this section has been met. When the percentage factor
22 required in this section has been met, the Department of State
23 shall order the names of the candidates for whom the petition
24 was circulated to be included on the ballot and shall permit
25 the required number of persons to be certified as electors in
26 the same manner as party candidates.

27 (4)(a) A minor political party that is affiliated with
28 a national party holding a national convention to nominate
29 candidates for President and Vice President of the United
30 States may have the names of its candidates for President and
31 Vice President of the United States printed on the general

582-2032D-07

1 election ballot by filing with the Department of State a
 2 certificate naming the candidates for President and Vice
 3 President and listing the required number of persons to serve
 4 as electors. Notification to the Department of State under
 5 this subsection shall be made by September 1 of the year in
 6 which the election is held. When the Department of State has
 7 been so notified, it shall order the names of the candidates
 8 nominated by the minor political party to be included on the
 9 ballot and shall permit the required number of persons to be
 10 certified as electors in the same manner as other party
 11 candidates. As used in this section, the term "national party"
 12 means a political party established and admitted to the ballot
 13 in at least one state other than Florida.

14 (b) A minor political party that is not affiliated
 15 with a national party holding a national convention to
 16 nominate candidates for President and Vice President of the
 17 United States may have the names of its candidates for
 18 President and Vice President printed on the general election
 19 ballot if a petition is signed by 1 percent of the registered
 20 electors of this state, as shown by the compilation by the
 21 Department of State for the preceding general election. A
 22 separate petition from each county for which signatures are
 23 solicited shall be submitted to the supervisors of elections
 24 of the respective county no later than July 15 of each
 25 presidential election year. The supervisor shall check the
 26 names and, on or before the date of the first primary
 27 election, shall certify the number shown as registered
 28 electors of the county. The supervisor shall be paid by the
 29 person requesting the certification the cost of checking the
 30 petitions as prescribed in s. 99.097. The supervisor shall
 31 then forward the certificate to the Department of State, which

582-2032D-07

1 shall determine whether or not the percentage factor required
 2 in this section has been met. When the percentage factor
 3 required in this section has been met, the Department of State
 4 shall order the names of the candidates for whom the petition
 5 was circulated to be included on the ballot and shall permit
 6 the required number of persons to be certified as electors in
 7 the same manner as other party candidates.

8 Section 59. Section 103.022, Florida Statutes, is
 9 amended to read:

10 103.022 Write-in candidates for President and Vice
 11 President.--Persons seeking to qualify for election as
 12 write-in candidates for President and Vice President of the
 13 United States may have a blank space provided on the general
 14 election ballot for their names to be written in by filing an
 15 oath with the Department of State at any time after the 57th
 16 day, but before noon of the 49th day, prior to the date of the
 17 first primary election in the year in which a presidential
 18 election is held. The Department of State shall prescribe the
 19 form to be used in administering the oath. The candidates
 20 shall file with the department a certificate naming the
 21 required number of persons to serve as electors. Such
 22 write-in candidates shall not be entitled to have their names
 23 on the ballot.

24 Section 60. Subsection (4) of section 103.091, Florida
 25 Statutes, is amended to read:

26 103.091 Political parties.--

27 (4) Any political party other than a minor political
 28 party may by rule provide for the membership of its state or
 29 county executive committee to be elected for 4-year terms at
 30 the first primary election in each year a presidential
 31 election is held. The terms shall commence on the first day of

Bill No. SB 958

Barcode 324446

582-2032D-07

1 the month following each presidential general election; but
2 the names of candidates for political party offices shall not
3 be placed on the ballot at any other election. The results of
4 such election shall be determined by a plurality of the votes
5 cast. In such event, electors seeking to qualify for such
6 office shall do so with the Department of State or supervisor
7 of elections not earlier than noon of the 57th day, or later
8 than noon of the 53rd day, preceding the first primary
9 election. The outgoing chair of each county executive
10 committee shall, within 30 days after the committee members
11 take office, hold an organizational meeting of all newly
12 elected members for the purpose of electing officers. The
13 chair of each state executive committee shall, within 60 days
14 after the committee members take office, hold an
15 organizational meeting of all newly elected members for the
16 purpose of electing officers.

17 Section 61. Subsection (1) of section 105.031, Florida
18 Statutes, is amended to read:

19 105.031 Qualification; filing fee; candidate's oath;
20 items required to be filed.--

21 (1) TIME OF QUALIFYING.--Except for candidates for
22 judicial office, nonpartisan candidates for multicounty office
23 shall qualify with the Division of Elections of the Department
24 of State and nonpartisan candidates for countywide or less
25 than countywide office shall qualify with the supervisor of
26 elections. Candidates for judicial office other than the
27 office of county court judge shall qualify with the Division
28 of Elections of the Department of State, and candidates for
29 the office of county court judge shall qualify with the
30 supervisor of elections of the county. Candidates for judicial
31 office shall qualify no earlier than noon of the 120th day,

Bill No. SB 958

Barcode 324446

582-2032D-07

1 and no later than noon of the 116th day, before the first
2 primary election. Candidates for the office of school board
3 member shall qualify no earlier than noon of the 50th day, and
4 no later than noon of the 46th day, before the first primary
5 election. Filing shall be on forms provided for that purpose
6 by the Division of Elections and furnished by the appropriate
7 qualifying officer. Any person seeking to qualify by the
8 petition process, as set forth in s. 105.035, who has
9 submitted the necessary petitions by the required deadline and
10 is notified after the fifth day prior to the last day for
11 qualifying that the required number of signatures has been
12 obtained, shall be entitled to subscribe to the candidate's
13 oath and file the qualifying papers at any time within 5 days
14 from the date he or she is notified that the necessary number
15 of signatures has been obtained. Any person other than a
16 write-in candidate who qualifies within the time prescribed in
17 this subsection shall be entitled to have his or her name
18 printed on the ballot.

19 Section 62. Subsections (1) and (2) of section
20 105.041, Florida Statutes, are amended to read:

21 105.041 Form of ballot.--

22 (1) BALLOTS.--The names of candidates for nonpartisan
23 office which appear on the ballot at the first primary
24 election shall be grouped together on a separate portion of
25 the ballot or on a separate ballot. The names of candidates
26 for election to nonpartisan office which appear on the ballot
27 at the general election and the names of justices and judges
28 seeking retention to office shall be grouped together on a
29 separate portion of the general election ballot.

30 (2) LISTING OF CANDIDATES.--

31 (a) Except as provided in paragraph (b), the order of

Bill No. SB 958

Barcode 324446

582-2032D-07

1 nonpartisan offices appearing on the ballot shall be
2 determined by the Department of State. The names of candidates
3 for election to each nonpartisan office shall be listed in
4 alphabetical order. With respect to retention of justices and
5 judges, the question "Shall Justice (or Judge) (name of
6 justice or judge) of the (name of the court) be retained in
7 office?" shall appear on the ballot in alphabetical order and
8 thereafter the words "Yes" and "No."

9 (b)1. The names of candidates for the office of
10 circuit judge shall be listed on the first primary election
11 ballot in the order determined by lot conducted by the
12 director of the Division of Elections of the Department of
13 State after the close of the qualifying period.

14 2. Candidates who have secured a position on the
15 general election ballot, after having survived elimination at
16 the first primary election, shall have their names listed in
17 the same order as on the first primary election ballot,
18 notwithstanding the elimination of any intervening names as a
19 result of the first primary election.

20 Section 63. Paragraph (b) of subsection (1) of section
21 105.051, Florida Statutes, is amended to read:

22 105.051 Determination of election or retention to
23 office.--

24 (1) ELECTION.--In circuits and counties holding
25 elections:

26 (b) If two or more candidates, neither of whom is a
27 write-in candidate, qualify for such an office, the names of
28 those candidates shall be placed on the ballot at the first
29 primary election. If any candidate for such office receives a
30 majority of the votes cast for such office in the first
31 primary election, the name of the candidate who receives such

Bill No. SB 958

Barcode 324446

582-2032D-07

1 majority shall not appear on any other ballot unless a
2 write-in candidate has qualified for such office. An unopposed
3 candidate shall be deemed to have voted for himself or herself
4 at the general election. If no candidate for such office
5 receives a majority of the votes cast for such office in the
6 first primary election, the names of the two candidates
7 receiving the highest number of votes for such office shall be
8 placed on the general election ballot. If more than two
9 candidates receive an equal and highest number of votes, the
10 name of each candidate receiving an equal and highest number
11 of votes shall be placed on the general election ballot. In
12 any contest in which there is a tie for second place and the
13 candidate placing first did not receive a majority of the
14 votes cast for such office, the name of the candidate placing
15 first and the name of each candidate tying for second shall be
16 placed on the general election ballot.

17 Section 64. Paragraphs (a) and (b) of subsection (1)
18 of section 106.07, Florida Statutes, are amended to read:

19 106.07 Reports; certification and filing.--

20 (1) Each campaign treasurer designated by a candidate
21 or political committee pursuant to s. 106.021 shall file
22 regular reports of all contributions received, and all
23 expenditures made, by or on behalf of such candidate or
24 political committee. Reports shall be filed on the 10th day
25 following the end of each calendar quarter from the time the
26 campaign treasurer is appointed, except that, if the 10th day
27 following the end of a calendar quarter occurs on a Saturday,
28 Sunday, or legal holiday, the report shall be filed on the
29 next following day which is not a Saturday, Sunday, or legal
30 holiday. Quarterly reports shall include all contributions
31 received and expenditures made during the calendar quarter

Bill No. SB 958

Barcode 324446

582-2032D-07

1 which have not otherwise been reported pursuant to this
2 section.

3 (a) Except as provided in paragraph (b), following the
4 last day of qualifying for office, the reports shall be filed
5 on the 32nd, 18th, and 4th days immediately preceding the
6 first primary and on the ~~46th, 32nd,~~ 18th, and 4th days
7 immediately preceding the second primary and general election,
8 for a candidate who is opposed in seeking nomination or
9 election to any office, for a political committee, or for a
10 committee of continuous existence.

11 (b) Following the last day of qualifying for office,
12 any statewide candidate who has requested to receive
13 contributions from the Election Campaign Financing Trust Fund
14 or any statewide candidate in a race with a candidate who has
15 requested to receive contributions from the trust fund shall
16 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior
17 to the first primary and general elections ~~primary election,~~
18 and on the 4th, 11th, 18th, and 25th, ~~32nd, 39th, 46th,~~ and
19 ~~53rd~~ days prior to the second primary ~~general election.~~

20 Section 65. Paragraph (c) of subsection (1) of section
21 106.08, Florida Statutes, is amended to read:

22 106.08 Contributions; limitations on.--

23 (1)

24 (c) The contribution limits of this subsection apply
25 to each election. For purposes of this subsection, the first
26 primary election, second primary election, and general
27 election are separate elections so long as the candidate is
28 not an unopposed candidate as defined in s. 106.011(15).
29 However, for the purpose of contribution limits with respect
30 to candidates for retention as a justice or judge, there is
31 only one election, which is the general election. With respect

Bill No. SB 958

Barcode 324446

582-2032D-07

1 to candidates in a circuit holding an election for circuit
2 judge or in a county holding an election for county court
3 judge, there are only two elections, which are the first
4 primary election and general election.

5 Section 66. Subsection (1) of section 106.29, Florida
6 Statutes, is amended to read:

7 106.29 Reports by political parties; restrictions on
8 contributions and expenditures; penalties.--

9 (1) The state executive committee and each county
10 executive committee of each political party regulated by
11 chapter 103 shall file regular reports of all contributions
12 received and all expenditures made by such committee. Such
13 reports shall contain the same information as do reports
14 required of candidates by s. 106.07 and shall be filed on the
15 10th day following the end of each calendar quarter, except
16 that, during the period from the last day for candidate
17 qualifying until the general election, such reports shall be
18 filed on the Friday immediately preceding ~~both~~ the first
19 primary election, the second primary election, and the general
20 election. In addition to the reports filed under this section,
21 the state executive committee and each county executive
22 committee shall file a copy of each prior written acceptance
23 of an in-kind contribution given by the committee during the
24 preceding calendar quarter as required under s. 106.08(6).
25 Each state executive committee shall file the original and one
26 copy of its reports with the Division of Elections. Each
27 county executive committee shall file its reports with the
28 supervisor of elections in the county in which such committee
29 exists. Any state or county executive committee failing to
30 file a report on the designated due date shall be subject to a
31 fine as provided in subsection (3). No separate fine shall be

Bill No. SB 958

Barcode 324446

582-2032D-07

1 assessed for failure to file a copy of any report required by
2 this section.

3 Section 67. This act shall take effect January 1,
4 2008.

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